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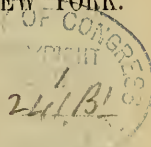
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[Continued from Convocation Proceedings for 1868, 1869 and 1872.]

ANNALS OF PUBLIC EDUCATION IN THE STATE OF NEW-YORK.*

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THE FOUNDING OF KING'S (AFTERWARD COLUMBIA) COLLEGE.

The records of Trinity Church, in New York city, state that in 1703, "the Rector and Wardens were directed to wait upon Lord Cornbury, the Governor, to know what part of the *King's Farm*, then vested in Trinity Church, had been intended for the college which he designed to have built." ¹

We have previously quoted from the proceedings of the Society for the Propagation of the Gospel, etc., for the year 1704, a statement that "there are also Proposals going on for Building a College on the Queens new Farm by subscription"; and have shown that Mr. Malcolm's school of 1732-9, "for teaching Latin, Greek and Mathematicks," may be regarded as the "germ of Columbia College." ²

In 1725, Dr. George Berkeley (afterwards Bishop), published in London "A Proposal for the better supplying of Churches in our Foreign Plantations, and for converting the Savage Americans to Christianity, by a college to be Erected on the Summer Islands, otherwise called the Isles of Bermuda." ³

A more eligible site was subsequently sought, and it has been claimed that, had the scheme gone into effect, New York would probably have been selected. Moreover, Bishop Berkeley afterwards became a friend and adviser of the first President of King's College. These incidents are our warrant for referring in this connection to an otherwise foreign and abortive scheme, and for quoting the following curious paragraphs concerning it:

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* Entered according to act of Congress, in the year 1871, by DANIEL J. PRATT, in the office of the Librarian of Congress, at Washington.

¹ Moore's Hist. Sketch of Col. Coll., p. 6.

² *Annals of Public Education*, etc., as revised and separately printed in 1872, pp. 86, 124, 125.

³ Berkeley's Works, ii, 281.

Why *Bermuda* was chosen for the place of the college will best appear from the Dean's own words. In speaking of the choice of a *situation*, he says, "It should be in a good air; in a place where provisions are cheap and plenty; where an intercourse might easily be kept up with all parts of America and the islands; in a place of security, not exposed to the insults of pirates, savages or other enemies; where there is no great trade which might tempt the readers or fellows of the college to become merchants, to the neglect of their proper business; where there are neither riches nor luxury to divert, or lessen their application, or to make them uneasy and dissatisfied with a homely frugal subsistence; lastly, where the inhabitants, if such a place may be found, are noted for innocence and simplicity of manners."¹ All these advantages, he imagined, were to be found in the islands of *Bermuda*, in a more considerable degree than in any other place in the *British American* dominions.

The scheme, for some time, met with all the encouragement that was due to so benevolent a proposal. The King granted a charter, appointing Dr. BERKELEY the first President of the intended college.

* * * * *

The monies arising from the sale of lands in *St. Christopher's*, that were ceded to the British crown by the treaty of *Utrecht*, amounted to eighty thousand pounds; and Queen ANNE designed that sum as a fund for the support of four *American* Bishops. But that design failing by her death, Dr. BERKELEY, by dint of application and address, notwithstanding Sir ROBERT WALPOLE's opposition, procured a parliamentary grant of twenty thousand pounds of that money, for the establishment of his college.

* * * He came immediately [1729] to *Rhode Island*, with a view of settling a correspondence there, for supplying his college with such provisions as might be wanted from the northern colonies. But soon after his arrival he was convinced that he had been greatly misinformed with regard to the state of *Bermuda*, and that the establishment of a college there would not answer his purpose. He then wrote to his friends in *England*, requesting them to get the patent altered for some place on the *American* continent, which would, probably, have been *New York*; and to obtain the payment of the sum that had been granted him.

Accordingly, Bishop GIBSON applied to Sir ROBERT WALPOLE, then at the head of the Treasury, in his behalf; but the answer was unfavourable. With regard to the request for the payment of the money, Sir ROBERT replied: "If you put the question to me as a Minister, I must and can assure you that the money shall most undoubtedly be paid, as soon as suits with public convenience; but if you ask me as a friend, whether Dean BERKELEY should continue in *America*, expecting the payment of twenty thousand pounds, I advise him, by all means, to return home to *Europe*, and to give up his present expectations." The Dean, being informed of this conversation by his good friend the Bishop, and fully convinced that his whole plan was defeated, resolved to return to *England*; and accord-

¹Berkeley's Works, ii, 284.

ingly he embarked at *Boston*, in September, 1731. Not long after the whole eighty thousand pounds above-mentioned was given to the Princess ANNE, on her marriage with the Prince of *Orange*.¹

The foregoing paragraphs constitute the meagre extant record of what was said and done with reference to a college for the province during the first one hundred and twenty years from the organization of the colonial government, viz., from 1626 to 1746. Meanwhile, Harvard College had become a century, and Yale almost a half-century old, though the Massachusetts colony was scarcely older, and Connecticut was much younger than New York. This backwardness on the part of our ancestors has placed them in unfavorable contrast with their eastern neighbors. By way of explanation and apology, it has been urged that the other colonies named were founded mainly in the interests of religion and learning, but New York rather as a commercial enterprise; also, that the former were each homogeneous as to population and character, and would, therefore, act promptly and efficiently in matters relating to the welfare of society; while New York, by reason of her several nationalities, was too heterogeneous, as well as too much absorbed in material pursuits, to become the early patron of liberal learning. At length the disadvantage became apparent to our own people, and both business shrewdness and jealous self respect were stimulated to supply this educational need. The condition of the colony, in this respect, is forcibly set forth by one of our early and prominent historians, who, referring to Yale College, has said:

* * The inhabitants of New Haven (to whose honour be it mentioned) raised a large sum to begin the institution within five or six years from the date of their Indian purchase of that town, then called Quinipiack. It was from this seminary that many of the western churches in New York and New Jersey were afterwards furnished with their English clergymen. Mr. Smith,² who was a tutor and declined the rectors's chair in Yale College, vacant by the removal of Dr. Cutler, was the first lay character of it belonging to the colony of New York. Their numbers multiplied some years afterwards, and especially when, at his instance, Mr. Philip Livingston, the second propietor of the manor of that name, encouraged that academy by sending several of his sons to it for their education.

To the disgrace of our first planters, who beyond comparison surpassed their eastern neighbours in opulence, Mr. Delancey, a graduate of the university of Cambridge, and Mr. Smith, were, for many years, the

¹ Chandler's *Life of Samuel Johnson*, D. D., First President of King's College, pp. 50-54.

² This seems to be one William Smith (not the historian) who graduated in 1719 became tutor in 1722, and died in 1769.

only academies in this province, except such as were in holy orders; and so late as the period we are now examining [1746], the author did not recollect above thirteen more,¹ the youngest of whom had his bachelor's degree at the age of seventeen, but two months before the passing of the above law [for raising money by lottery], the first towards erecting a college in this colony, though at the distance of above one hundred and twenty years after its discovery and the settlement of the capital by Dutch progenitors from Amsterdam.² * * *

As to the actual inception of King's College, the records of legislation in its behalf are the first, and, for some years, almost the only sources of information:

[IN GENERAL ASSEMBLY.]

Die Jovis, 3 ho. P. M. Oct. 23, 1746.

* * * *

Ordered, That a Bill be brought in, for raising the Sum of, Two Thousand, Two Hundred and Fifty Pounds, by a publick Lottery for this Colony, for the Advancement of Learning, and towards the founding of a College within the same; and that Mr. Cruger³ and Capt. Richards,⁴ prepare and bring in the same.

* * * *

Die Veneris, 9 ho. A. M., Oct. 24, 1746.

* * * *

Mr. Cruger (according to Order) presented to the House, a Bill, entitled, *An Act, for raising the Sum of, Two Thousand, Two Hundred and Fifty Pounds, by a publick Lottery for this Colony, for the Advancement of Learning, and towards the founding a College within the same*; which was read the first Time, and ordered a second Reading.

* * * *

Die Sabatii, 9 ho. A. M. Oct. 25, 1746.

The Bill, entitled, *An Act* [etc., as above]; was read a second Time, and committed to a Committee of the whole House.

* * * *

Die Martis, 3 ho. P. M. Oct. 28, 1746.

Mr. Cruger, from the Committee, to whom was refered, the Bill, entitled, *An Act* [etc., as above]; reported, That the Committee had

¹The persons alluded to, were: Messrs. Peter Van Brugh Livingston, John Livingston, Philip Livingston, William Nicoll, Benjamin Nicoll, Hendrick Hansen, William Peartree Smith, Caleb Smith, Benjamin Woolsey, William Smith, jun, John McEvers, John Van Horne.

²Smith's Hist. of N. Y. (Hist. Soc. ed., 1829) ii, 113, 383.

³Henry Cruger, of New York.

⁴Paul Richards, of New York.

gone through the Bill, made several Amendments, and added a Clause thereto; which they had directed him to report to the House; and he read the Report in his Place, and afterwards delivered the Bill, with the Amendments, and Clause, in at the Table; where the same was again read, and agreed to by the House.

Ordered, That the Bill, with the Amendments, and Clause, be ingrossed.

* * * *

Die Mercurij, 3 ho. P. M. Oct. 29, 1746.

* * * *

The ingrossed Bill, entitled, *An Act* [etc., as above]; was read the third Time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Cruger*, and Capt. *Stillwell*,¹ do carry the Bill to the Council, and desire their Concurrence.

* * * *

[IN COUNCIL.]

Wednesday, the 29th day of October, 1746.

* * * *

PRESENT, *The Hono^{ble}* CADWALLADER COLDEN, Esq^r., Speaker,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
DANIEL HORSMANDEN,
JOHN MOORE, Esq^{rs}.

* * * *

A Message from the General Assembly by Mr Cruger & Capt Stilwell with a Bill Entitled, "An Act" [etc., as above] Desiring the concurrence of the Council thereto.

Ordered, That the said Bills [the above with two others] be now read

Then the said three Bills were read the first time and

Ordered a second Reading

* * * *

Tuesday, the fourth day of November, 1746. P. M.

* * * *

PRESENT—*The Hono^{ble}* PHILIP LIVINGSTON, Esq^r, Speaker,
ARCHIBALD KENNEDY,
PHILIP COURTLANDT,
DANIEL HORSMANDEN,
JOHN MOORE, Esq^{rs}.

* * * *

Then the said three Bills were read the second [time] and

Ordered to be committed.

* * * *

¹ Richard Stillwell, of Richmond Co.

Saturday, the Eighth day of November, 1746.

* * * *

PRESENT—[as on the 29th day of October, and]

PHILIP COURTLANDT, and

STEPHEN BAYARD, Esq^{rs}.

* * * *

The Council Resolved themselves into a Committee to consider of the following Bills, viz^t

* * * *

The Bill entituled, “An Act” [etc., as above]

* * * *

The Committee having duly weighed & considered of the said four Bills and being ready to make their Report thereon

The Speaker resumed the Chair

Ordered, That the said Report be made immediately

Then the Hono^{ble} Daniel Horsmanden Esq^r Chairman of the said Committee in his place Reported that the Committee had gone through the said four Bills and had directed him to report them without amendment

Which Report on the Question being put was agreed to & approved of and the Bills severally

Ordered a third Read^g

Then the said four Bills were read the third time and

On the Question being severally put

Resolved, that the said Bills do pass

Ordered, that the Hono^{ble} Daniel Horsmanden Esq^r do acq^t the General Assembly that the Council have passed the said four Bills without amendment

* * * *

[IN GENERAL ASSEMBLY.]

Die Lunæ, 3 ho. P. M. Nov. 10, 1746.

* * * *

A Message from the Council, by the honourable *Daniel Horsmanden*, Esq; acquainting this House, That the Council have passed the following Bills without Amendment, viz.

The Bill, entitled, *An Act* [etc., as above].

Die Sabatii, 9 ho. A. M. Dec. 6, 1746

* * His Excellency was pleased to give his Assent to thirteen Bills, passed this Session, the Titles whereof are, viz.

* * * *

9. *An Act, for raising the Sum of*, [etc., as above].

* * * *

An Act for Raising the Sum of Two Thousand Two Hundred and Fifty Pounds by a Public Lottery, for this Colony for the Advancement of Learning & Towards the Founding a Colledge within the same. Passed December 6, 1746.

In as much as it will greatly Tend to the Wellfare & Reputation of the Colony That a Proper & Ample Foundation be Laid for the Regular Education of Youth, & as so good & Laudable a design must readily excite the Inhabitants of this Colony to become Adventurers in a Lottery of which the Profits shall be Employed for the founding a Colledge for that Purpose.

Be it enacted by his Excellency the Governour, the council and the General Assembly, and it is hereby enacted by the Authority of the Same, That a Lottery be Erected within this Colony, and that for & towards the Raising the Sum of Two Thousand Two Hundred & Fifty Pounds, it shall & may be Lawfull, For any Person or Persons, Natives or Foreigners, bodies Politick or Corporate, To contribute by Paying at or before the respective Times by this act Limited in that behalf, to any Person or Persons hereinafter to be appointed for that purpose, The sum of one Pound Ten Shillings or Divers entire Sums of one pound Ten Shillings upon this act, and that every contributor or Adventurer, For every such sum of one pound Ten Shillings which he she or they shall so advance, Shall be Interested in Such Lott or Share of & in the said Lottery Established by this act, as is hereinafter Directed & appointed, and the Same Entire Sums of one Pound Ten Shillings Each, are hereby appointed to be paid unto such Person or Persons as aforesaid on or before the first Day of June next.

And be it further Enacted by the Authority aforesaid That Peter Vallete and Peter Van Brugh Livingston shall be managers for Preparing & Delivering out Tickets Receiving of money for the said Tickets, & to oversee the Drawing of Lotts, and to order do & Perform such other matters & Things as are hereafter in & by this act Directed & appointed by such managers to be done & Performed, and That such managers, shall meet Together from time to time, at some Public Place as to them shall seem most convenient for the execution of the Powers & Trust in Them Reposed by this act, and that the said managers, Shall cause Books to be prepared in which every Leaf shall be Divided or Distinguished into Three columns and upon the Innermost of the said three columns, there shall be printed Ten Thousand Tickets numbered, one, Two, Three and so onwards in Arithmetical Progression where the common excess is to be one, until they arrive to and for the number of Ten Thousand, and upon the middle column in every of the said Books shall be Printed Ten Thousand Tickets of the same Breath & form, and numbered in like manner, And in the extream column of the said Books there shall be Printed a Third Rank or Series of Tickets of the same number with those of the other two columns, which Tickets shall Severally be of an oblong Figure, and in the said Books shall be Joined with oblique Lines, Flourishes or Devices, in such manner as the said Managers shall think most safe & convenient, and that every Ticket in the

Extream or third columns of the said Books shall have Printed there-upon, besides the number, The following words viz. "The Possessor of this Ticket if drawn a Prize shall be Entituled to the Prize so Drawn, subject to such Deduction as is Directed by an Act of this colony in that behalf"

And it is further Enacted by the Authority aforesaid, That the said Managers, shall carefully examine all the said Books, with the Tickets therein, and that the same be contrived, numbered & made according to the True Intent & meaning of this Act, and all and Every such Manager Respectively is and are hereby Directed & Required upon his or their Receiving of every or any Entire Sum of one Pound Ten Shillings in full Payment for a Ticket, From any Person or Persons contributing or Adventuring as aforesaid To cut out of said Book or Books, through the said oblique Lines, Flourishes or Devices, indentwise a Ticket of the Tickets in the said Extream Columns which one of the said Managers shall sign with his own name, and he or they shall Permit the contributor or Adventurer [if it be Desired] to write his or her name or Mark on the two corresponding Tickets in the same Book and at the same time the said Managers, or one of Them shall Deliver to the said contributor or Adventurer the Ticket so cut off, which He She or They are to keep & use for the better ascertaining & securing the Interest, which he she or They, his, her, or their Executors, Administrators, or Assigns shall or may have in the said Lottery for the monies so by him her or Them contributed or Adventured, until the said adventure by the Drawing the Lots, and the Payment of such Tickets as shall be Fortunate shall be fully Determined.

And be it further Enacted, That the said Managers at a Meeting as aforesaid shall cause all the Tickets of the middle columns in the books. To be cut indentwise through the said oblique Lines, Flourishes or Devices and carefully rolled up as much alike as may be & made fast with Thread, and in the Presence of such contributors or Adventurers as will be there present, cause all the said Tickets which are to be Rolled up & made fast as aforesaid to be put into a Box to be Prepared for that Purpose, and to be marked with the letter (A) which is presently to be put in another strong Box & to be Locked up with two Different Locks & Keys, to be kept by as many managers and Sealed with their Seals, until the said Tickets are to be Drawn as is hereinafter mentioned and that the Tickets in the first or Innermost Columns of the said Books shall remain still in the Books, for Discovering any mistake or Fraud if any such should happen to be committed contrary to the true Intent & meaning of this act.

And be it further Enacted by the same Authority, That the Managers before mentioned, shall cause to be Prepared other Books in which Every Leaf shall be Divided or Distinguished in two columns, and upon the Innermost of these two columns there shall be Printed Ten Thousand Tickets and upon the outermost of the said two columns there shall be Printed Ten Thousand all which shall be of Equal Length & Breath as near as may be, which Two columns in

the said Books shall be Joined with some Flourishes or Devices through which the outermost Tickets may be cut of Indentwise, and that One Thousand Six Hundred & Sixty Five Tickets part of those to be contained in the outermost Columns of the Books Last mentioned shall be called the Fortunate Tickets to which Benefits shall belong as hereinafter Mentioned, and the said Managers shall cause the said Fortunate Tickets to be written upon or otherwise Expressed, as well in Figures as in words at Length in manner following, That is to say, upon, one of Them, Five Hundred Pounds, upon one of them Three Hundred Pounds upon one other of them Two Hundred Pounds, upon Ten of them Severally one Hundred Pounds, upon Thirty of them Severally Fifty Pounds, Upon Forty of Them Severally Twenty five Pounds upon Fifty nine of them Severally Fifteen Pounds, upon four Hundred of them severally Ten Pounds, and upon one Thousand one Hundred & Twenty Three of them Severally Five Pounds, which sums so to be written or otherwise Expressed upon the said Fortunate Tickets will Amount in the whole to the sum of Fifteen Thousand Pounds, which is the Produce of Ten Thousand Tickets, according to the Valuation of one Pound Ten Shillings for each Ticket as before Mentioned.

And be it further Enacted by the Authority aforesaid, That the Managers before mentioned, shall cause all the said Tickets contained in the outermost column of the Last mentioned Books, in the Pesence of such contributors or Adventurers as will then be there Present To be cut out Indentwise, Through the said Flourishes or Devices & carefully Rolled up as near as may be alike & fastened with Thread, and put into another Box to be Prepared for that Purpose, and to be marked with the Letter [B] which box shall presently be put into another strong Box & Locked up & Sealed in the manner as Box Letter'd (A) until these Tickets shall also be Drawn in the manner & form hereafter mentioned, and that no money shall be received from any contributor or Adventurer, towards this Adventure as aforesaid after the first Day of June next, and that the whole Business of Roleing up & cutting off and Putting in the said Boxes the said Tickets & locking up & sealing the said Boxes, shall be Performed by the said Managers, on or before the first Day of June next. And to the End every Person concerned, may be well assured That the counter Part of the same Number with his or her Tickets is put into the Box marked with the Letter (A) from whence the same may be Drawn & that other matters are done as hereby Directed, some Public Notification in Print shall be given of the Precise time or times of Cutting the said Tickets & putting them into the Boxes, To the End that such Adventurers as shall be minded to See the same done may be Present at the doing thereof.

And be it further Enacted by the Authority aforesaid, That on or before the said first Day of June next, The said Managers Shall Cause the said Several Boxes, with all the Tickets therein, To be brought into the City Hall of the city of New York by nine of the clock in the Forenoon of the same Day, and shall then & there attend the Service in order for Drawing, with Two clerks, with Books prepared for that

Purpose, To Enter down all the Fortunate Tickets, and the said Managers being Prepared for Drawing, shall cause the two Boxes containing the said Tickets, To be severally taken out of the other two Boxes in which they shall have been Locked up, and the Tickets or Lots in the Respective Innermost Boxes, being in the Presence of the said Managers and of such Adventurers as will be there Present for the Satisfaction of Themselves, well shaken & mingled in Each Box distinctly, & some one Indifferent & fitt Person to be appointed & Directed by the Managers, shall take out & Draw one Ticket from the Box, where the said Nnmbred Tickets shall be as aforesaid Put, and one other Indifferent & fit Person to be appointed & Directed in the like manner; shall Immediately Draw a Ticket or Lot from the Box where the one Thousand six Hundred & Sixty Five Fortunate & Eight Thousand Three Hundred & Thirty five blank Tickets, shall be Promiscuously put as aforesaid & Immediately both the Tickets so drawn, shall be opened and The number as well of the Fortunate as the blank Tickets, shall be named a Lond, and if the Ticket Taken or Drawn from the Box containing the Fortunate & Blank Lots, shall appear to be Blank, then the numbred Ticket so Drawn, with the said Blank at the same time Drawn, shall be wrote upon Blank, and shall both be put on one File, and if the Tickets so Drawn or taken out of the Box containing the Fortunate & Blank Lots shall appear to be one of the Fortunate Tickets then the sum written upon such Fortunate Ticket [whatever it may be] shall be entered by the Clerks so appointed, into the Books prepared for that Purpose, Together with the Number coming up with the said Fortunate Ticket, and one of the said Managers shall set their Name as witness to Every such Entry, and the said Fortunate & numbered Tickets so Drawn together, shall be put upon another file, and so the said Drawing of the Tickets shall continue, by taking one Ticket at a Time out of Each Box, and with opening naming aloud & Filing the Same, and by Entering the Fortunate Lots insuch method, as is before Mentioned, Until the whole Number of Tickets, shall be completely Drawn, And if the same cannot be Performed in one Days time the said Managers Shall cause the Boxes to be Locked up & Sealed, in the manner as aforesaid, and adjourn til the next Day, and so from Day to Day & Every Day [except Smudays] and then open the same & Proceed as above, till the said whole Number of Tickets shall be compleatly Drawn as aforesaid.

And to the End that the Adventurers may have all Possible Satisfaction in the Due Regular & Just management of the said Lottery Be it enacted by the Authority aforesaid, That the Mayor, Recorder, Aldermen & Commonalty of the City of New York, may & are hereby Impowered to appoint Every Day during the whole course of the Lottery, two or more of their body to Inspect all & Every Transaction of the said Lottery hereby Directed and Required, and that each county in the Colony may & are hereby Impowered If They see cause to Depute two Justices of the Peace, or other Reputable Freeholders or Inhabitants For the aforesaid Inspection with Proper Certificates of their being so Deputed, From the next or any subse-

quent General Session of the Peace, and the said Managers are hereby Directed & Required to Admit Them, and the said Members of the said Corporation to the aforesaid Inspection accordingly.

And to the End the Fortunate may know, whether absent or Present to what Degree they have been so, and that Speedy Payment may be made upon the Fortunate Tickets to the Persons Entitled thereto Be it Enacted by the authority aforesaid, That during the course of the Drawing the said Managers are here by Required, weekly to give Publick notice, in the New York Post Boy of the numbers of the Tickets drawn Blank and also of the numbers of the Tickets drawn against the Fortunate Lots, and the Sums written on the same and as soon as the drawing is over, shall pay the said sums to such persons, who shall Produce Tickets with the Numbers Drawn against such Fortunate Lots, They the said Manager first Deducting Fifteen per cent out of the said Fortunate Lots & to be applied as hereafter is Directed

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall Forge or Counterfeit any Ticket or Tickets to be made forth on this act, or Alter any of the numbers thereof or bring any Forged or counterfeited Ticket, or any Ticket whereof the Number is Altered, knowing the same to be such, to the said Managers or either of them for the Time being, To the Intent to Defraud the Colony, or any Contributor or adventurer or the Executors, Administrators or Assigns of any Contributor or Adventurer upon this Act, That then Every such Person or Persons [being thereof Convicted in Due Form of Law] shall be adjudged a Fellow, and shall suffer Death, as in Cases of Fellony, without Benefit of Clergy, and the said Managers or Either of Them are hereby Authorized Required & Impowered to Cause any Person or Persons bringing such Altered Forged or Counterfeited Ticket or Tickets as aforesaid to be apprehended and to Commit Him, Her or Them to his Majisties Goal of the City of New York, to be Proceeded against for the said Fellony according to Law—

And be it enacted by the Authority aforesaid, That every of the Managers hereby appointed for Putting this Act in Execution before his Acting in such commission Shall take the oath following that is to say, I, A, B, do swear That I will Faithfully Execute the Trust Reposed in me and That I will not use any Indirect Art or means, or permit or Direct any Person to use any Indirect Art or means to obtain a Prize or Fortunate Lot for myself or any Person whatsoever, and that I will do the utmost of my Endeavours to prevent any undue or sinister Practice to be done by any Person whatsoever and that I will to the best of my Judgment declare to whom any Prize Lot or Ticket of Right does belong according to the true Intent of the act of Gouvernour council & general Assembly Passed in the Twentieth year of his Majisties Reign in that behalf, which oath shall be administered by one of the Justices of the Supream Court of this Colony.

Provided always and be it enacted by the Authority aforesaid that the managers hereby appointed, before they take the oath Prescribed

by this act or Perform or Execute any thing therein contained shall first Enter into the following Recognizances to our Sovereign Lord the King, his Heirs & Successors, That is to Say, Each of them before one of the Justices of the Supreme court, in the sum of Four Thousand Pounds with two sufficient securities Each in half that sum Conditioned that they shall & will well & Truly, each for his Part Execute the Trust Reposed in Them by this act & well & Truly observe do & Perform all the Directions thereby Required to be done & Performed by Them, according to the True Intent & meaning thereof, which several Recognizances, are to be delivered to the Treasurer, by the Justice before whom the same shall be so taken [having first caused the same to be Recorded in the Minutes of the Supreme Court] in order to be Lodged in the Treasury.

And be it further Enacted by the Authority aforesaid, That the several Deductions of Fifteen per cent, upon the whole number of Fortunate Tickets shall be paid into the Hands of the Treasurer of this Colony by the Managers hereof, out of which there shall be allowed in Case the Lottery shall be actually Drawn, The following sums viz. "To Each of the said Managers the sum of one Hundred & Twenty Five Pounds, To each of the Two Clerks six shillings per diem For every Day They shall be actually employed in the said Drawing To Each of the Two Persons who shall Draw the Tickets Three shillings per Diem, for Every Day they shall be so Employed, and all Reasonable Charges, For Printing Books, Tickets & advertisements & such other Incidents as may necessarily be required in the said Lottery, and the monies arising from the said several Deductions of Fifteen pr cent, upon the whole number of Fortunate Tickets, The aforesaid charges of Management being first Deducted, shall be paid into the hands of the Treasurer, To be and Remain in the Treasury, To & for the Purpose of Founding a Colledge for the Education of Youth and to & for no other Purpose whatsoever in such Manner as shall be hereafter Directed by Act or Acts of the Governour Council & General Assembly.

And That the Purpose of Founding the said Colledge may not be obstructed by any other application of the moneys to arise from the Profits of the said Lottery Be it enacted by the authority aforesaid That Each & Every Representative in General Assembly, For the Time being, who shall hereafter in General Assembly, move or consent to the applying or appropriating the said money to any other Purpose whatever Than the Founding the Colledge aforesaid shall be and hereby is Declared & made forever Incapable of Sitting & voting in this or any Future General Assembly, and new Writts shall Issue accordingly.

And be it further Enacted by the same authority, That no Fee or Gratuity whatsoever shall or may be Demanded or taken of any Person or Persons, contributor or Adventurer to the Lottery aforesaid by any Manager or Managers, or any other officer or officers appointed by this Act, For any thing that shall be done Pursuant to this act upon Pain That any officer or Person offending by taking any Fee or Gratuity contrary to this act, shall Forfeit the sum of Fifty

Pounds to the Party grieved, To be Recovered with full Cost in any of his Majisties Courts of Record within this Colony.

And be it Enacted by the Authority aforesaid, That in case all the said Ten Thousand Tickets, shall not be sold & Disposed of before the said first Day of June next, That then the Money That has been Received for any Ticket or Tickets by virtue of this act, shall be by the said Managers Repaid to the Person or Persons of whom the same shall have been Received, his her or their Executors, Administrators or Assigns, He, She or They first Producing the several Tickets for which such Repayment, shall be Required, and the Lottery hereby Erected & made, shall from thence forth become void, any thing in this Act contained to the contrary hereof notwithstanding, and in such case the Treasurer aforesaid shall pay out of any money then in the Treasury (except such as shall be appointed for the annual support of Government) The several Incidents before mentioned, upon proper certificates signed by the said Managers, and Receipts thereon, shall be good Vouchers to him for the Payment thereof, For the amount of which the General Assembly shall & will Provide ways & means to Repay & Replace the same.

Provided and be it Enacted, That in case the said Ten Thousand Tickets aforesaid, be sold and disposed of in the manner aforesaid before the first day of June next, That then the Managers shall proceed to the Drawing the Lots in manner aforesaid, first giving Public Notice there of in the New York Post Boy at Least Fourteen Days before the Drawing the same, any thing in this act to the contrary notwithstanding

And be it further enacted by the Authority aforesaid, That if either of the before mentioned Managers shall happen to Die Remove out of this Colony or Refuse to Act, according to the several and Respective Powers & Authorities hereby Directed & Required, It shall & may be Lawfull to and for the Governour or commander in Chief for the time being by and with the advice & consent of his Majisties Council to nominate & appoint some other fit Person or Persons to be Manager or Managers in the place & stead of the Manager or Managers so dying Removing or Refusing to Act as aforesaid any thing herein contained to the contrary notwithstanding Provided that the Person or Persons who may be so appointed shall be obliged to take the Like oath, Enter into the Like Recognizance & Sureties as is herein Directed to be done by the Managers named in this act and be in all Respects as subject to observe & Perform the several Directions of this Act, as if he or They had been named or appointed in it.¹

¹MS. Laws, in office of Secretary of State.

NEW YORK, Jan 5, 1746, 7.

By a Law passed the last Sessions, a Publick Lottery is directed, to consist of 10,000 Tickets, at 30s. each, 1665 of which to be fortunate, viz.

Number of prizes.	Value of each.	Total value.
1 of.....	£500	£500
1 of.....	300	300
1 of.....	200	200
10 of.....	100	1000
30 of.....	50	1500
40 of.....	25	1000
59 of.....	15	885
400 of.....	10	4000
1123 of.....	5	5615

1665 Prizes, }
8335 Blanks, } 10,000 Tickets at 30s. makes..... £15,000

15 per Cent. to be deducted from the Prizes. The Profits will be employed towards founding a College within this Colony, for the regular Education of Youth; And as such a laudable Design will greatly tend to the Welfare and Reputation of this Colony; it is expected the Inhabitants will readily be excited to become Adventurers. Publick Notice will be given of the Precise Time for putting the Tickets into the Boxes, that such Adventurers as shall be minded to see the same don, may be present at the doing thereof. The Drawing to commence on or before the first Day of June next, at the City-Hall, of New York, under the Inspection of the Corporation, who are impowered to appoint two or more of their Body to inspect all and every Transaction of the said Lottery; and two Justices of the Peace, or other reputable Free-holders or Inhabitants of every County in this Colony, if they see Cause to depute the same at their next or any subsequent general Sessions of the Peace. Notice will be given in the *New-York Post Boy* fourteen Days before the Drawing. The Managers are sworn faithfully to execute the Trust reposed in them, and have given Security for the faithful Discharge of the Same. As the late Lottery has given general Satisfaction, the same Care will be taken, and the same Regulations observed in this, with respect to the Tickets, the Drawing, Keeping the Books, and other Particulars, as near as possible. The Blanks as well as Prizes will be published weekly in the *New-York Post Boy*. Such as forge or counterfeit any Ticket, or alter the Number, and are thereof convicted, by the said Act are to suffer Death as in Cases of Felony. The Money will be paid to the Possessors of the Benefit Tickets as soon as the Drawing is finished.

Tickets are to be had at the Dwelling-houses of Messrs. Peter Vallette and Peter Van Brugh Livingston, who are appointed Managers.¹

The results of the first lottery in aid of Columbia College are

¹ New-York Weekly Post Boy, Numb. 207, ² Jan. 5, 1746-7.

given in full in *Parker's Gazette*. Nos. 229, 230, 231 and 232 contain ten pages of figures. The last sheet, issued as a supplement to No. 234, is missing from the New York Historical Society file. The highest prize, £500, was drawn by ticket No. 3306, on the 12th day of June, 1747. The printer in a note states: "*The highest Prize drawn we hear proves the Property of the Honourable JOSEPH MURRAY, Esq. of this City.*"

The following is the announcement in No. 229, above referred to :

In Pursuance of a Law of this Colony entitled, An Act for raising the Sum of £2250, by a publick Lottery for this Colony, for the Advancement of Learning, and towards founding a College within the same; passed in the 20th Year of his Majesty's Reign; the Managers of the said Lottery met at the City-Hall in New-York, on Monday last, with two Clerks, for the Drawing the same, and in the Presence of two of the Members of the Corporation of this City, proceeded therein as follows, viz.

Monday,	June 1,	Numb. 5144, 299, 2478, Blanks.
Tuesday,	June 2,	9254, Blank.
Wednesday,	3,	2454, Blank,
Thursday,	4,	3314, Blank,
Friday,	5,	5517, Blank,
Saturday,	6,	495, Blank.

The Drawing so few for the Week past, is occasioned by there being yet a small Number of the Tickets unsold; which, however, some Gentlemen have engaged to take off, in case they shall not be purchased within a limited Time, so that an Opportunity still remains for any Person to be supplied with Tickets until Wednesday Morning next, when the Drawing as fast as possible will certainly go on, and no more be sold after that Time.¹

[IN GENERAL ASSEMBLY.]

Die Martis, 3 ho. P. M. May 19, 1747.

* * * *

Mr. Cruger moved for Leave to bring in a Bill, for prolonging the Time of drawing the publick Lottery, till the first of *September* next.

Ordered, That Leave be given to bring in a Bill accordingly.

* * * *

Die Martis, May 26, 1747.

* * * *

Mr. Cruger (according to Leave) presented to the House, a Bill, entitled, *An Act, to prolong the Time limited for drawing the Lottery, appointed in and by an Act, entitled, An Act, for raising the Sum of, Two Thousand, two Hundred, and Fifty Pounds, by a publick Lottery for this Colony, for the Advancement of Learning,*

¹ New-York Revived Weekly Gazette in the Post-Boy, Numb 229³, June 8, 1747.

and towards the founding a College within the same; which was read the first Time, and ordered a second Reading.

* * * *

Nothing further relative to this bill appears in the Journal of the General Assembly, and the drawing seems to have occurred at the time appointed by the above statute.

Die Veneris, 9 ho. A. M. August 21, 1747.

* * * *

Ordered, That a Bill be brought in for raising the Sum of, *Two Thousand, Two Hundred, and Fifty Pounds*, by a publick Lottery, for a further provision towards founding a College, for the Advancement of Learning within this Colony, and that Mr. *Cruger*, and Capt. *Richards*, prepare and bring in the same.

* * * *

Die Sabatii, 9 ho. A. M. August 22, 1747.

Mr. *Cruger* (according to Order) presented to the House, a Bill, entitled, *An Act, for raising the Sum of, Two Thousand, Two Hundred, and Fifty Pounds*, [etc., as above]; which was read the first Time, and ordered a second Reading.

* * * *

Die Martis, 9 ho. A. M. August 25, 1747.

The Bill entitled, *An Act*, [etc., as above]; was read a second Time, and committed to a Committee of the whole House.

* * * *

Die Mercurij, 9 ho. A. M. Sept. 2, 1747.

* * * *

Ordered, That the Managers of the late Lottery, do, by *Tuesday* next, lay before this House, an Account upon Oath, of the Charge of the Management thereof; and an Account of what Monies they have paid into the Treasury, in pursuance of the Act for that Purpose.

Ordered, That the Clerk of this House, serve the aforesaid Commissioners [for certain military purposes] and the Managers of the said Lottery, with copies of these Orders forthwith.

* * * *

Die Jovis, 3 ho. P. M. Sept. 10, 1747.

* * * *

The House being informed that Messieurs *Valette*, and *Vanbrugh Livingston*, Managers of the late Lottery, attended at the Door, they were called in, and presented to the House (according to Order), their Accounts, sworn to, and then withdrew.

And the Titles thereof being read,

Ordered, That Captain *Richards*, Mr. *Clarkson*, and Mr. *Cruger*, be a Committee to examine the said Accounts, and make Report thereof to the House.

* * * *

We do not find any subsequent record as to this Report.

Die Mercurij, 3 ho. P. M. Oct. 7, 1747.

* * * *

Ordered, That a Bill be brought in for raising the Sum of, [etc., as under date of August 21]; and that Mr. *Cruger*, and Col. *Lott*, prepare and bring in the same.

* * * *

Die Jovis, 9 ho. A. M. Oct. 8, 1747.

* * * *

Mr. *Cruger* (according to Order) presented to the House, a Bill, entitled [as indicated above]; which was read the first Time, and ordered a second Reading.

* * * *

Die Veneris, 3 ho. P. M. Oct. 9, 1747.

* * * *

The Bill, entitled, [as indicated above]; was read a second Time, and committed to a Committee of the whole House.

* * * *

The above bill failed to become a law during the session which ended November 25, 1747. A similar bill was introduced and passed, in an amended form, during the next session. Meanwhile, *private* Lotteries were prohibited by an act, which recognizes the immoral tendency of a free lottery system, entitled :

An ACT to prevent private Lotteries within this Colony.

Pass'd the 25th of November, 1747.

WHEREAS several persons, of late, have set on Foot, and opened private Lotteries within this Colony; which being under no Restrictions by Law, are attended with pernicious Consequences to the Publick, by encouraging Numbers of labouring People to assemble together at Taverns, where such Lotteries are usually set on foot and drawn: For Remedy whereof;

I. BE IT ENACTED by his Excellency the Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That if any Person or Persons whatsoever, shall, after the Publication of this Act, presume to open, set on foot, or draw any private Lottery whatsoever, under whatsoever Name, Title or Denomination, the same may pass; he, she or they, shall respectively

forfeit and pay double the sum of which such Lottery shall consist; to be recovered by any Person or Persons who will sue for the same, in any Court of Record within this Colony; one Half of which Forfeiture to be paid to the Treasurer of this Colony, for and towards the Support of this Government, and the other Half to the Person that shall sue for the same as aforesaid.¹

* * * *

Die Martis, 9 ho. A. M. Feb. 23, 1747-8.

* * * *

Mr. *Cruger*, moved for Leave to bring in a Bill, for raising the Sum of, *Two Thousand, Two Hundred and Fifty Pounds*, by a publick Lottery, for a further Provision towards founding a College, for the Advancement of Learning within this Colony.

Ordered, That Leave be given to bring in a Bill accordingly.

* * * *

Die Mercurij, 9 ho. A. M. Feb. 24, 1747-8.

* * * *

Mr. *Cruger* (according to leave) presented to the House, a Bill, entitled, [as above]; which was read the first Time, and ordered a second Reading.

* * * *

Die Jovis, 9 ho. A. M. Feb. 25, 1747-8.

* * * *

The Bill, entitled, [as above]; was read a second Time, and committed to a Committee of the whole House.

* * * *

Die Veneris, 3 ho. P. M. Feb. 26, 1747-8.

* * * *

Mr. *Cruger*, from the Committee of the whole House, to whom was refered, the Bill, entitled, [as above]; reported, That the Committee had gone through the Bill, altered the Title, and made several Amendments to the Body of the said Bill, which they had directed him to report to the House; and he read the Report in his Place, and afterwards delivered the Bill, with the Amendments, in at the Table, where the same were again read, and agreed to by the House.

Ordered, That the Bill, with the Amendments, be ingrossed.

* * * *

Die Veneris, 9 ho. A. M. March 4, 1747-8.

The ingrossed Bill, entitled [as amended], *An Act, for raising the sum of, One Thousand, Eight Hundred Pounds, by a publick Lot-*

¹ Livingston and Smith's Laws of N. Y., i, 405.

tery, for a further Provision towards founding a College for the Advancement of Learning, within this Colony; was read the third Time.

Resolved, That the Bill do pass.

Ordered, That Mr. *Verplank*, and Mr. *Nicoll*, do carry the Bill to the Council, and desire their Concurrence.

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[IN COUNCIL.]

Tuesday the 8th day of March, 1747.

The Council met according to adjournment

PRESENT—*The Hon^{ble}* PHILIP LIVINGSTON, Esq^r, Speaker,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
JOHN MOORE,
JOHN RUTHERFORD, Esq^{rs}.

The Speaker assumed the Chair

A Message from the General Assembly by M^r Nicoll & M^r Verplank with a Bill Entituled, “An Act for raising the sum of £1800 by a publick Lottery for a further provision towards founding a Colledge for the advancement of Learning within this Colony” desiring the concurrence of the Council thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first time and

Ordered a second reading

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Wednesday the 9th day of March, 1747.

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Ordered, that the Bill Entituled [as above] be now read the second time and

Ordered to be committed

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Saturday the 19th day of March, 1747

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The Council resolved it self into a Committee to consider of the Bill Entituled [as above]

The Committee having duly weighed and considered of the said Bill and being ready to make their report thereon

The Speaker resumed the Chair

Ordered, that the said Report be made immediately

Then the Hon^{ble} John Moore Esq^r Chairman of the said Committee in his place Reported that the Committee had gone through the said Bill and had directed him to report the same without any amendment

Which Report on the Question being put was agreed to and approved of and

Ordered, that the said Bill be read the third time

* * * *

Friday, the 25th day of March, 1748.

* * * *

Ordered, that the Bill Entituled [as above] be now Read the third time

Then the said Bill was Read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hon^{ble} John Moore Esq^r do Acquaint the General Assembly that the Council have passed the said Bill without any Amendment

* * * *

[IN GENERAL ASSEMBLY.]

Die Mercurij, 9 ho. A. M. March 30, 1748.

* * * *

A Message from the Council, by the honourable *John Moore*, Esq; acquainting this House, that the Council have passed the Bill, entituled, [as above]; without any Amendment.

* * * *

Die Sabatii, 9 ho. A. M. April 9, 1748.

* * * *

A Message from his Excellency [Governor Clinton], by Mr. *Banyar*, Deputy Secretary.

Mr. Speaker, his Excellency requires the immediate Attendance of this House, at the Council-Chamber, at Fort-George, in this City [New York].

The Speaker left the Chair, and with the House, attended accordingly; and being returned, he resumed the Chair, and reported to the House, that his Excellency had, in the Presence of the Council, and the Members of this House, given his assent to eleven Bills, passed this Session; the Titles Whereof are, viz.

* * * *

An Act, for raising the Sum of One Thousand, Eight Hundred Pounds, [etc., as above].

An ACT for raising the Sum of One Thousand Eight Hundred Pounds, by a publick Lottery, for a further Provision towards founding a College for the Advancement of Learning within this Colony.

Pass'd the 8th of April, 1748.¹

The body of the above act being an almost verbatim copy of that enacted December 6, 1746, already recited, except as to dates and the amount to be raised, need not be reproduced.

The following criticism on the act is alike applicable to the preceding one for raising £2,250 :

* * * *

“An Act for raising the sum of £1800 by a Lottery”

On this Act M^r Lamb observes, that, although the money thereby to be raised, is directed to remain in the hands of the Treasurer, to and for the purpose of founding a College and to no other use whatever, a very extraordinary clause immediately follows, enacting, that, if any member should thereafter move for applying the said money to any other purpose, he should be incapable of sitting in that or any future Assembly, M^r Clinton likewise complains, that by this Act Commiss^{rs} were nominated for that trust without his being consulted.²

* * * *

An Act to revive an act Entituled an act for raising the sum of Eighteen Hundred Pounds by a Publick Lottery for a Further Provision towards founding a college for the Advancement of Learning within this colony with an Addition thereto.

[Passed October 28, 1748.]

Whereas an act passed the ninth Day of April Last Entituled an act for raising the Sum of Eighteen Hundred Pounds by a Publick Lottery for a further Provision towards founding a college for the advancement of Learning within this colony, did for want of a Sufficient Number of contributors expire the first Day of September last, by which means the Managers appointed in the said Act cannot proceed to the drawing the Lottery thereby Erected, For Remedy whereof, Be it enacted by his Excellency the Governour, Council & General Assembly, & it is hereby enacted by the Authority of the Same, That the said act Entituled an act for raising the Sum of Eighteen Hundred Pounds by a Publick Lottery for a further Provision towards founding a college for the Advancement of Learning within this colony, Shall be and hereby is revived and every clause Matter & Thing therein contained Enacted to be & remain of full Force & Virtue to all Intents Constructions and Purposes whatsoever except so much thereof as Shall be alter'd by this Act. And Be it further Enacted by the Authority aforesaid that instead of the first Day of September Last as was directed by the aforesaid Act, the Drawing of the said Lottery shall begin on the fourteenth Day of

¹ Livingston and Smith's Laws of N. Y., i, 406.

² N. Y. Col. Doc., vi, 685.

November next, or sooner if full, And all the matters whatsoever directed by the above mentioned Act to be done, & Performed by the first Day of September Last, if done on or before the Fourteenth day of November next, Shall be good & Valid to all intents constructions & Purposes whatsoever, anything in the said Act to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid in order to answer the good Purposes intended by the Act aforesaid. That in case the whole Number of Tickets should not be sold by the said fourteenth Day of November next in such case the Managers shall cause all the Tickets of the outermost columns which shall then remain undisposed of to contributors or adventurers to be delivered into the hands of the Treasurer of this Colony for the time being, to be by him retained & kept as cash received from the said Managers, to be contributed & Adventured by the Publick towards the filling up of the said Lottery at the risque and for the benefit of this colony, and shall be signed with the name of one of the Managers, and the corresponding Tickets in the same books shall be wrote upon thus (Colony of New York) which Tickets so delivered into the hands of the said Treasurer shall by him be kept for the better Ascertainig & securing the Interest which this colony shall or may have in the said Lottery, for the Tickets so contributed or Adventured until the adventure by the Drawing of the Lots and the Payment of such Tickets as shall be Fortunate be fully determined.

Fort George in the City of New York
the 28th day of October 1748

I assent to this Bill Enacting
the Same and Order
it to be Enrolled,

G CLINTON

City of New York Die Mercurii y^e 19th of October 1748.

In the Twenty Second year of his Ma tys reign General Assembly
for the colony of New York. This bill having been read three Times
Resolved this bill do Pass.

DAVID JONES Speaker

(Endorsed) Die Mercurii y^e 19th of Octo^r 1748
This bill being Passed

Ordered

That M^r Nicol & M^r Cruger do carry this bill to the council and desire their concurrence.

Council chamber New York, 20th Oct^r 1748. This bill was then read the first Time & Ordered a second Reading

Oct 24, Read the second Time & Ordered to be Committed.

Oct 25, Reported without Amendment and Read the third Time & Passed

G^w BANYAR¹

¹MS. Laws, in Office of Sec'y of State.

An ACT for vesting in Trustees, the Sum of Three Thousand Four Hundred and Forty-three Pounds, Eighteen Shillings, raised by Way of Lottery, for erecting a College within this Colony.

Pass'd the 25th of November, 1751.

WHEREAS the Sum of *Three Thousand Four Hundred and Forty-three Pounds, Eighteen Shillings*, has been raised within this colony, by Way of Lottery, for erecting a College for the Education of Youth, within the same; which Sum being not conceived sufficient, without further Addition, to answer the said End of erecting, compleating and establishing a College for the Advancement of useful Learning, it is conceived necessary, that Trustees be appointed, as well for the setting at Interest the said Sum of *Three Thousand Four Hundred and Forty-three Pounds, Eighteen Shillings*, already raised for the said Purpose, as for receiving the contributions and Donations of such Persons as may be charitably disposed, to be Benefactors and Encouragers of so laudable an Undertaking :

I. BE IT THEREFORE ENACTED by his Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, That the eldest Councillor residing in this Colony, the Speaker of the General Assembly, and the Judges of the Supreme Court, the Mayor of the city of *New-York*, and the Treasurer of this Colony, for the Time being, together with *James Livingston*, Esq; *Mr. Benjamin Nicoll*, and *Mr. William Livingston*, or the Survivor or Survivors of them, the said *James Livingston*, *Benjamin Nicoll*, and *William Livingston*, shall be, and hereby are appointed Trustees for managing the said Sum of *Three Thousand Four Hundred and Forty-three Pounds, Eighteen Shillings*, and for managing any other Sum or Sums of Money, Lands, Goods, or Chattels, which may be contributed or given, by any Person or Persons whatsoever; to be employed for the said Use and Purpose, of erecting, compleating, and establishing a College, for the Advancement of Learning, within this Colony: All which said Sum and Sums of Money, they, the said Trustees, and the major Part of them, and of the Survivors of them, shall be, and hereby are impowered, required, and directed, to put out at Interest, yearly, and every Year, together with the Interest arising thereon, until the same shall be employed for the Use and Purpose of erecting and establishing a College for the Advancement of Learning, within this Colony, in such Manner as shall, by some Act or Acts hereafter to be passed for that Purpose, be directed.

II. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Lands, Tenements, or Hereditaments, shall be given by any Person or Persons whatsoever, towards founding the said College, the aforesaid Trustees, and the major Part of them, and of the Survivors of them, shall be, and hereby are enabled, to let the same to farm, to the best Advantage, for advancing the said Undertaking, rendering the Rent to the Treasurer of this colony, for the Time being, for the Use and Purpose aforesaid.

III. AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Treasurer of this Colony shall, and he is hereby required and directed, to pay to the Borrowers, such Sum and Sums of the Money

aforesaid, from Time to Time, as shall be specified in the Securities by them to be given, with the Consent of the major Part of the Trustees aforesaid, or of the Survivors of them; which Securities shall be, in the Names of two or more of the Trustees aforesaid consenting, with Conditions for the Payment of the Money and Interest therefrom arising, to the Treasurer of this Colony, for the Time being, for the Use and Purpose aforesaid: And such Securities, given as aforesaid, shall be to the said Treasurer, good Vouchers and Discharges for the Sums paid thereon by him, and therein mentioned.

IV. AND BE IT FUTHER ENACTED *by the Authority aforesaid*, That the aforesaid Trustees shall be, and hereby are enabled, to receive Proposals from any of the Cities or Counties within this Colony, which shall be desirous of having the said College erected within their said Cities or Counties, touching the placing or fixing the same therein, respectively; and the said Trustees, and every of them, shall be, and hereby are required, to render a just and true Account on Oath, of all their Proceedings in the Premisses, to the Governor, Council, and General Assembly, when by them, or any of them, thereunto required.¹

* * Of these trustees, ten in number, two belonged to the Dutch Reformed Church, one was a Presbyterian, but seven were members of the Church of England, and some of these seven were also vestrymen of Trinity Church. These circumstances—the known sentiments of this large majority of the trustees—their well understood, and very natural desire, that the proposed college should be connected with their church—might sufficiently account for the offer made to them by Trinity Church, not long after their appointment, “of any reasonable quantity of the Church farm, * * for erecting, and use of a college;” * * however, * * it may not unreasonably be inferred, that the then recent grant of the King’s Farm to that corporation, had been made with a view to the advancement of learning as well as of religion; that some condition to that effect had been at least implied, on occasion of that grant.

If such were the case, the present offer from the church was but the carrying out, after a lapse of fifty years, of this original design. * * The jealous apprehensions entertained of any, the smallest, approach to a church-establishment within the province, caused violent opposition to the plan, as soon as it became known, of obtaining a royal charter for the college. This determined opposition to the plan of the Trustees, was maintained chiefly by one of their number, the only Presbyterian at their Board, Mr. William Livingston; a gentleman, by his birth, his connexions and his position in society; by his superior education, his industry and talents as a lawyer, already eminent; and afterwards, in the various high stations which he filled, greatly distinguished for patriotic devotion to his country. A declared enemy of all church establishments, he, in this matter of the college, was actuated by conscientious, probably, but mistaken views of the

¹ Livingston and Smith, i, 450.

design and tendency of the incorporation which he so zealously endeavored to defeat. With this view, he commenced on the 22d of March, 1753, in *The Independent Reflector*, a paper published under his direction, his "Remarks on our intended College." After considering, first, the great importance of the institution, he goes on, in subsequent numbers, to discuss the proper mode of its establishment, which he insists should be, not by *Charter*, but by *Act of Assembly*: in which case it was taken for granted, that the plan of the institution would be more consistent with the views of those who professed themselves advocates "for constituting a college on a basis the most catholic, generous and free."¹

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It seems proper to add to the above statement by President Moore, that this Mr. Livingston was a grandson of Robert Livingston, who came to this country from Scotland about the year 1675; the father of Philip, Robert and Gilbert, the first of whom had two distinguished sons: Philip, one of the signers of the Declaration of Independence, and William, the subject of this notice. The latter graduated at Yale College in 1741, and was for some fourteen years governor of New Jersey, which office he held at the close of his life in 1790. He was a delegate from that State to the Convention of 1787, for framing the federal constitution. One of the standard editions of the Colonial Laws of New York (Livingston and Smith's) perpetuates his name in connection with that of Mr. William Smith, from whose History we have already quoted. Chancellor Robert R. Livingston was a son of Robert, and hence second cousin of William.

Mr. Livingston's acknowledged prominence among the opponents of certain views and measures which finally prevailed in the establishment of the College, seem to entitle his controversial writings to a place among the Educational annals of the period under consideration; and for this reason we copy verbatim and entire the articles in the *Independent Reflector* relating to the College. Each article filled, with slight exception, a number of the paper (or rather *tract*), which, though in newspaper form, was not a *newspaper* in the ordinary sense of the term. The papers are subscribed "Z.," "A.," "B.," "A. & Z.," and "Academicus"; all which seem to indicate various authors, although the articles themselves are characterized by an apparent unity of style.

¹ Moore's Hist. Sketch, pp. 8-10.

THE
INDEPENDENT REFLECTOR.

NUMBER XVII.

Thursday, March 23, 1753.

Remarks on our intended COLLEGE.

*Nullum non posse majus meliusve Reipublicæ afferre munus,
Quam docendo et erudiendo Juventutem.*

CICERO.

THE Design of erecting a College in this Province, is a Matter of such grand and general Importance, that I have frequently made it the Topic of my serious Meditation. Nor can I better employ my Time than by devoting a Course of Papers to so interesting a Subject. A Subject of universal Concernment, and in a peculiar Manner involving in it, the Happiness and Well-being of our Posterity!

THE most convenient Situation for fixing the Fabric, tho' obvious on the least Reflection, has been made Matter of laborious Enquiry, as well as afforded a copious Fund for private Conversation. That the College ought to be plac'd in or near this City, appears evident from numberless Arguments, that naturally occur to the most superficial Thinker. But while we have been amusing ourselves with disputations concerning the Situation of the Building we have been strangely indolent about its Constitution and Government, in Comparison of which, the other is a Trifle that scarce deserves Attention. To expatiate on the Advantages of Learning in general, or a liberal Education in particular, would be equally impossible and useless. Impossible from the narrow Limits of my Paper: And useless, because no Arguments that can be urged, are capable of rendering the Assertion more evident, than the irresistible Demonstrations of Experience.

THAT the College ought therefore to be situated near our Metropolis, and that it will be productive, if properly regulated, of unspeakable Benefit to this Province, I shall lay down as two *postulata* not to be questioned.

BEFORE we engage in any Undertaking, common Prudence requires us maturely to consider the End we propose, and the means most conducive to its Attainment.

To imagine that our Legislature, by raising the present Fund for the College, intended barely to have our Children instructed in *Greek* and *Latin*, or the Art of making Exercises and Verses, or disputing in Mood and Figure, were a Supposition absurd and defamatory. For these Branches of Literature, however useful as preparatory to

real and substantial Knowledge, are in themselves perfectly idle and insignificant. The true Use of Education, is to qualify Men for the different Employments of Life, to which it may please God to call them. 'Tis to improve their Hearts and Understandings, to infuse a public Spirit and Love of their Country; to inspire them with the Principles of Honour and Probity; with a fervent Zeal for Liberty, and a diffusive Benevolence for Mankind; and in a Word, to make them the more extensively serviceable to the Common-Wealth. Hence the Education of Youth hath been the peculiar Care of all the wise Legislators of Antiquity, who thought it impossible to aggrandize the State, without imbuing the Minds of its Members with Virtue and Knowledge. Nay, so sensible of this fundamental Maxim in Policy, were PLATO, ARISTOTLE, and LYCURGUS, and in short all the ancient Politicians who have delivered their Sentiments on Government, that they make the Education of Youth, the principal and most essential Duty of the Magistrate. And, indeed, whatever literary Acquirement cannot be reduced to Practice, or exerted to the Benefit of Mankind, may perhaps procure its Possessor the Name of a Scholar, but is in Reality no more than a specious Kind of Ignorance. This, therefore, I will venture to lay down for a capital Maxim, that unless the Education we propose, be calculated to render our Youth better Members of Society, and useful to the Public in Proportion to its Expence, we had better be without it. As the natural Consequence of this Proposition, it follows, that the Plan of Education the most conducive to that End is to be chosen, and whatever has a Tendency to obstruct or impede it, ought carefully to be avoided.

THE Nature, End and Design of such Seminaries, is to teach the Students particular Arts and Sciences, for the Conduct of Life, and to render them useful Members of the Community. "*Science* in Propriety of Language signifies, a clear and certain Knowledge of anything, founded on self-evident Principles or Demonstration: "Tho' in a mere particular and imperfect Sense, it is used for a System of any Branch of Knowledge, comprehending its Doctrine, Reason and Theory, without an immediate Application thereof to any Uses or Offices of Life." This twofold Definition of the Word *Science*, I may probably have Occasion to make use of hereafter.

THE vast Influence of any Education upon the Lives and Actions of Men, and thence by a kind of political Expansion, on the whole Community, is verified by constant Experience. Nay, it discriminates Man from Man, more than by Nature he is differenced from the Brutes: And beyond all doubt much greater was the Disparity between the renowned Mr. LOCKE, and a common Hottentot, than between the latter and some of the most sagacious of the irrational Kingdom. But the Influence of a Collegiate Education, must spread a wider Circle proportionate to the Number of the Students, and their greater Progress in Knowledge.

THE Consequences of a liberal Education will soon be visible throughout the whole Province. They will appear on the Bench, at the Bar, in the Pulpit, and in the Senate, and unavoidably affect our

civil and religious Principles. Let us adduce, a few Arguments from Reason, Experience and History.

A YOUTHFUL Mind is susceptible of almost any Impression. Like the ductile Wax, it receives the Image of the Seal without the least Resistance. "What is learned at that tender Age, says QUINTILIAN, is "easily imprinted on the Mind, and leaves deep Marks behind it, "which are not easily to be effaced. As in the Case of a new Vessel, "which long preserves a Tincture of the first Liquor poured into it: "And like Wool which can never recover its primitive Whiteness "after it has once been dyed; and the Misfortune is, that bad Habits "last longer than good Ones." The Poet HORACE, to whom it must have been very natural to draw Similes from Liquor, makes use of the same comparison.

*Quo semel est imbuta recens, servabit odorem
Testa diu.—*

What season'd first the Vessel, keeps the Taste. CREECH.

THE Principles or Doctrines implanted in the Minds of Youth, grow up and gather Strength with them. In Time they take deep Root, pass from the Memory and Understanding to the Heart, and at length become a second Nature, which it is almost impossible to change. While the Mind is tender and flexible, it may be moulded and managed at Pleasure: But when once the Impressions are by Practice and Habit, as it were incorporated with the intellectual Substance, they are obliterated with the greatest Difficulty. *Frangas enim citius quam corrigas, quae in pravam induerunt*, said an Author, alike celebrated for his Skill in Rhetoric, and his Knowledge of Mankind.

FROM these Premises, the natural Inference is, that we cannot be too cautious in forming the human Mind, so capable of good, and so passive to evil Impressions.

THERE is no Place where we receive a greater Variety of Impressions, than at Colleges. Nor do any Instructions sink so deep in the Mind as those that are there received. The Reason is, because they are not barely imprinted by the Preceptor, as at inferior Schools; but perpetually confirmed and invigorated by the Suscipients themselves. Tho' * Academies are generally Scenes of endless Disputations, they are seldom Places of candid Inquiry. The Students not only receive the Dogmata of their Teachers with an implicit Faith, but are also constantly studying how to support them against every Objection. The System of the College is generally taken for true, and the sole Business is to defend it. Freedom of Thought rarely penetrates those contracted mansions of systematical Learning. But to teach the establish'd notions, and maintain certain Hypotheses, *hic Labor hoc opus est*. Every Deviation from the beaten Tract is a kind of literary Heresy; and if the Professor be given to Excommunication, can scarce escape an Anathema. Hence that dogmatical Turn and Impa-

* Note, That for the greater variety of Language, I shall use the Words Academy, College, and University, as synonymous Terms; tho', in strict Propriety, they are far from being equipollent Expressions.

tience of Contradiction, so observable in the Generality of Academies. To this is also to be referred, those voluminous Compositions, and that learned Lumber of gloomy Pedants, which has so long infested and corrupted the World. In a Word, all those visionary Whims, idle Speculations, fairy Dreams, and party Distinctions, which contract and imbitter the Mind, and have so often turn'd the World topsy-turvy.

I MENTION not this to disparage an academical Education, from which I hope I have myself received some Benefit, especially after having worn off some of its rough corners, by a freer Conversation with Mankind. The Purpose for which I urge it, is to shew the narrow Turn usually prevailing at Colleges, and the absolute Necessity of teaching Nothing that will afterwards require the melancholy Retrogradation of being unlearned.

FROM this Susceptibility of tender Minds, and the extreme Difficulty of erasing original Impressions, it is easy to conceive, that whatever Principles are imbibed at a College, will run thro' a Man's whole future Conduct, and affect the Society of which he is a Member, in Proportion to his Sphere of Activity; especially if it be considered, that even after we arrive to Years of Maturity, instead of entering upon the difficult and disagreeable Work of examining the Principles we have formerly entertained, we rather exert ourselves in searching for Arguments to maintain and support them.

THO' I have sufficiently shewn the prodigious Influence of a College upon the Community, from the Nature and Reason of the Thing, it may not be improper, for its farther Corroboration, to draw some Proofs from Experience and History.

AT *Harvard College* in the *Massachusetts-Bay*, and at *Yale College* in *Connecticut*, the Presbyterian Profession is in some sort established. It is in these Colonies the commendable Practice of all who can afford it, to give their Sons an Education at their respective Seminaries of Learning. While they are in the Course of their Education, they are sure to be instructed in the Arts of maintaining the Religion of the College, which is always that of their immediate Instructors; and of combating the Principles of all other Christians whatever. When the young Gentlemen, have run thro' the Course of their Education, they enter into the Ministry, or some Offices of the Government, and acting in them under the Influence of the Doctrines espoused in the Morning of Life, the Spirit of the College is transfused thro' the Colony, and tinctures the Genius and Policy of the public Administration, from the Governor down to the Constable. Hence the Episcopalians cannot acquire an equal Strength among them, till some new Regulations, in Matters of Religion, prevail in their Colleges, which perpetually produce Adversaries to the hierarchical System. Nor is it to be question'd, that the Universities in *North and South-Britain*, greatly support the different Professions that are establish'd in their respective Divisions.

SENSIBLE of the vast Influence which the Positions and Principles of Colleges have upon the public, was that politic Prince King HENRY the Eighth. No sooner had he determined to repudiate his Queen,

thro' his Love for ANNE BOLEYN, than, the better to justify his Divorce, or rather to guard himself against the popular Resentment, by the Advice of CRANMER, the State of his Case was laid before all the Universities, who, agreeable to his Wishes, determined his marriage with CATHERINE, to be repugnant to the divine Law, and therefore invalid.

IN the Reign of King JAMES II. of arbitrary and papistical Memory, a Project jesuitically artful, was concerted to poison the Nation, by filling the Universities with popish and popishly-affected Tutors; and but for our glorious Deliverance, by the immortal WILLIAM, the Scheme had been sufficient, in Process of Time, to have introduc'd and establish'd, the sanguinary and antichristian church of Rome.

SINCE then, the extensive Influence of a College so manifestly appears, it is of the last Importance, that ours be so constituted, that the Fountain being pure, the Streams (to use the Language of Scripture) may make glad the City of our GOD.

Z.

I HOPE my Correspondents will not be displeased, at seeing the Publication of their Letters thus long deferred, after assuring them, that tho' they have, contrary to my Inclination, been unavoidably postponed, they will by no means be forgotten; but receive due Honour, as soon as possible, after I have finished my Remarks on the College; which, for its great Importance, will probably engross four or five of my succeeding Numbers.

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NUMBER XVIII.

THURSDAY, MARCH 29, 1753.

A Continuation of the same Subject.

Tros Rutulusve fual, nullo discrimine habeo. VIRG.

I HAVE in my last Paper shewn, from Reason, Experience and History, the vast Influence of a College, upon the civil and religious Principles of the Community in which it is erected and supported. I shall now proceed to offer a few Arguments, which I submit to the Consideration of my Countrymen, to evince the Necessity and Importance of constituting *our* College upon a Basis the most catholic, generous and free.

It is in the first Place observable, that unless its Constitution and Government, be such as will admit Persons of all protestant Denominations, upon a perfect Parity as to Privileges, it will itself be greatly prejudiced, and prove a Nursery of Animosity, Dissention

and Disorder. The sincere Men of all Sects, imagine their own Profession, on the whole, more eligible and scriptural than any other. It is therefore very natural to suppose, they will exert themselves to weaken and diminish all other Divisions, the better to strengthen and enlarge their own. To this Cause must in a great Measure be ascribed, that Heat and Opposition, which animate the Breasts of many Men of religious Distinctions, whose intemperate and misapplied Zeal, is the only Blemish that can be thrown upon their characters. Should our College, therefore, unhappily thro' our own bad Policy, fall into the Hands of any one religious Sect in the Province: Should that Sect, which is more than probable, establish its religion in the College, shew favour to its votaries, and cast Contempt upon others; 'tis easy to foresee, that Christians of all other Denominations amongst us, instead of encouraging its Prosperity, will, from the same Principles, rather conspire to oppose and oppress it. Besides *English* and *Dutch* Presbyterians, which perhaps exceed all our other religious Professions put together, we have Episcopalians, Anabaptists, Lutherans, Quakers, and a growing church of Moravians, all equally zealous for their discriminating Tenets: Whichsoever of these has the sole Government of the college, will kindle the Jealousy of the Rest, not only against the Persuasion so preferred, but the College itself. Nor can any Thing less be expected, than a general Discontent and Tumult; which, affecting all Ranks of People, will naturally tend to Disturb the Tranquility and Peace of the Province.

IN such a State of Things, we must not expect the Children of any, but of that Sect which prevails in the Academy will ever be sent to it: For should they, the established Tenets must either be implicitly received, or a perpetual religious War necessarily maintained. Instead of the liberal Arts and Sciences, and such Attainments as would best qualify the Students to be useful and ornamental to their Country, Party Cavils and Disputes about Trifles, will afford Topics of Argumentation to their incredible Disadvantage, by a fruitless Consumption of Time. Such Gentlemen, therefore, who can afford it, will give their Sons an Education abroad, or at some of the neighboring Academies, where equally imbibing a Zeal for their own Principles, and furnished with the Arts of defending them, an incessant Opposition to all others, on their Return, will be the unavoidable Consequence. Not to mention, that Youth may become strongly attached to the Places at which they are educated. At this season of Life they receive the deepest Impressions: And, for the Sake of a Wife or a Friend, and a thousand other Reasons that cannot now be enumerated, a Gentleman may turn his Back upon the Place of his Birth, and take up his Residence where the Morning of Life has been agreeably passed. Hence, besides the Expence of such Education prejudicial to us, we may frequently lose the Hopes of our Country, lose perhaps a Man every Way qualified to defend its Interests, and advance its Glory.

OTHERS, and many such there may be, who not able to support the Expence of an Education abroad, but could easily afford it at Home,

thro' a Spirit of Opposition to the predominant Party, will rather determine to give their Children no Education at all. From all which it follows, that a College under the sole Influence of a Party, for want of suitable Encouragement, being but indifferently stocked with Pupils, will scarce arrive to the Usefulness of a *Schola illustris*, which being inferior to a College is, I hope, much short of what is intended by Ours.

ANOTHER Argument against so pernicious a Scheme is, that it will be dangerous to Society. The extensive Influence of such a Seminary, I have already shewn in my last Paper. And have we not reason to fear the worst Effects of it, where none but the Principles of one Persuasion are taught, and all others depressed and discountenanced? Where, instead of Reason and Argument, of which the Minds of the Youths are not capable, they are early imbued with the Doctrines of a Party, enforced by the Authority of a Professor's Chair, and the combining Aids of the President, and all the other Officers of the College? That religious Worship should be constantly maintained there, I am so far from opposing, that I strongly recommend it, and do not believe any such Kind of Society, can be kept under a regular and due Discipline without it. But instructing the Youth in any particular Systems of Divinity, or recommending and establishing any single Method of Worship or Church Government, I am convinced would be both useless and hurtful. Useless, because not one in a Hundred of the Pupils is capable of making a just Examination, and reasonable Choice. Hurtful, because receiving Impressions blindly on Authority, will corrupt their Understandings, and fetter them with Prejudices which may everlastingly prevent a judicious Freedom of Thought, and infect them all their Lives, with a contracted turn of mind.

A PARTY-COLLEGE, in less than half a Century, will put a new Face upon the Religion, and in consequence thereof affect the Politics of the Country. Let us suppose what may, if the College should be entirely managed by one Sect, probably be supposed. Would not all possible Care be bestowed in tincturing the Minds of the Students with the Doctrines and Sentiments of that Sect? Would not the Students of the College, after the course of their Education, exclusive of any others, fill all the Offices of the Government? Is it not highly reasonable to think, that in the Execution of those Offices, the Spirit of the College would have a most prevailing Influence, especially as that Party would perpetually receive new Strength, become more fashionable and numerous? Can it be imagined that all other Christians would continue peaceable under, and unenvious of, the Power of that Church which was rising to so exalted a Preheminence above them? Would they not on the Contrary, like all other Parties, reflect upon, reluct at, and vilify such an odious Ascendancy? Would not the Church which had that Ascendancy be thereby irritated to repeated Acts of Domination, and stretch their ecclesiastical Rule to unwarrantable and unreasonable lengths? Whatever others may in their Lethargy and Supineness think of the Project of a Party-College, I am convinced, that under the Management of any particu-

lar Persuasion, it will necessarily prove destructive to the civil and religious Rights of the People: And should any future House of Representatives become generally infected with the Maxims of the College, nothing less can be expected than an Establishment of one Denomination above all others, who may, perhaps, at the good Pleasure of their Superiors, be most graciously favoured with a bare Liberty of Conscience, while they faithfully continue their annual Contributions, their Tythes and their Peter-Pence.

A THIRD Argument against suffering the College to fall into the Hands of a Party, may be deduced from the Design of its Erection, and Support by the Public.

THE Legislature to whom it owes its Origin, and under whose Care the Affair has hitherto been conducted, could never have intended it as an Engine to be exercised for the Purposes of a Party. Such an Insinuation, would be false and scandalous. It would therefore be the Height of Insolence in any to pervert it to such mean, partial and little Designs. No, it was set on Foot, and I hope it will be constituted for general Use, for the public Benefit, for the Education of all who can afford such Education: And to suppose it intended for any other less public-spirited Uses, is ungratefully to reflect upon all who have, hitherto, had any Agency in an Undertaking so glorious to the Province, so necessary, so important and beneficial.

At present, it is only in Embrio, yet the Money hitherto collected is public Money; and till it is able to support itself, the Aids given to it will be public Aids. When the Community is taxed, it ought to be for the Defence, or Emolument of the Whole: Can it, therefore, be supposed, that all shall contribute for the Uses, the ignominious Uses of a few? Nay, what is worse to that which will be prejudicial to a vast Majority? Shall the whole Province be made to support what will raise and spread desperate Feuds, Discontent and ill-Blood thro' the greatest Part of the Province? Shall the Government of the College be delivered out of the Hands of the Public to a Party! They who wish it, are Enemies to their Country: They who ask it, have, besides this *Anti-Patriotism*, a Degree of Impudence, Arrogance, and Assurance unparallel'd. And all such as are active in so iniquitous a Scheme, deserve to be stigmatized with Marks of everlasting Ignominy and Disgrace. Let it, therefore, ever remain where it is, I mean under the Power of the Legislature: The Influence, whether good or bad, we shall all of us feel, and are, therefore, all interested in it. It is, for that Reason, highly fit, that the People should always share in the Power to enlarge or restrain it. That Power they will have by their Representatives in Assembly; and no man who is a Friend to Liberty, his country and Religion, will ever rejoice to see it wrested from them.

It is farther to be remarked, that a public Academy is, or ought to be a mere civil Institution, and cannot with any tolerable Propriety be monopolized by any religious Sect. The Design of such Seminaries, hath been sufficiently shown in my last Paper, to be entirely political, and calculated for the Benefit of Society, as a Society,

without any Intention to teach Religion, which is the Province of the Pulpit: Tho' it must, at the same Time, be confessed, that a judicious choice of our Principles, chiefly depends on a free Education.

AGAIN, the Instruction of our Youth, is not the only Advantage we ought to propose by our College. If it be properly regulated and conducted, we may expect a considerable Number of Students from the neighbouring Colonies, which must, necessarily, prove a great Accession to our Wealth and Emolument. For such is our Capacity of endowing an Academy; that if it be founded on the Plan of a general Toleration, it must, naturally, eclipse any other on the Continent, and draw many Pupils from those Provinces, the Constitution of whose Colleges, is partial and contracted: From *New-England* where the *Presbyterians* are the prevailing Party, we shall, undoubtedly, be furnished with great Numbers, who, averse to the Sect in vogue among them, will, unquestionably, prefer the free Constitution, for which I argue, to that of their Colleges in which they cannot enjoy an equal Latitude, not to mention that such an Increase by foreign Students, will vastly augment the Grandeur of our Academy.

ADD to all this, that in a new Country as ours, it is inconsistent with good Policy, to give any religious Profession the Ascendency over others. The rising Prosperity of *Pennsylvania*, is the Admiration of the continent; and tho' disagreeing from them, I should always, for political Reasons, exclude *Papists* from the common and equal Benefits of Society: Yet I leave it to the Reflections of my judicious Readers, whether the impartial Aspect of their Laws upon all Professions, has not, in a great Degree, conduced to their vast Importation of religious Refugees, to their Strength and their Riches: And whether a like Liberty among us, to all Protestants whatsoever, without any Marks of Distinction, would not be more commendable, advantageous and politic.

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The Letter from Portius, containing a Scheme for endowing the College, is also come to Hand, and shall not fail of being duly honour'd.

NUMBER XIX.

THURSDAY, APRIL 5, 1753.

The same Subject continued.

— *Tiſeο Danaos dona ferentes.*

VIRG.

AS nothing would be more fruitless than to excite the Apprehensions, or raise the Hopes of my Readers, by a Prospect of remediless Evils, or unattainable Blessings, I consider my former Papers upon this Subject, only as a Prelude to what is yet to come. It would be of little Use to have shewn the fatal consequences of an Academy founded in Bigotry, and reared by Party-Spirit; or the glorious

Advantages of a College, whose Basis is Liberty, and where the Muses flourish with entire Freedom; without investigating the Means by which the one may be crushed in Embrio, and the other raised and supported with Ease and Security. In all Societies, as in the human Frame, inbred Disorders are chiefly incurable, as being Part of the Constitution, and inseparable from it, while, on the contrary, when the Rage of Infirmities is resisted by a sound Complexion of Body, they are less inherent, and consequently more medicable. For this Reason, it must necessarily be esteemed of the utmost Importance, that the Plan upon which we intend to form our Nursery of Learning, be concerted with the most prudent Deliberation; it being that alone upon which its future Grandeur must evidently depend.

To delineate a compleat Scheme for so great a Work, is beyond the Stretch of my Abilities: And to imagine that these Imperfect Attempts, will be of any other Use than as a Spur to greater Inventions, is a Piece of Vanity with which the *Reflector* scorns to be thought chargeable. But should they prove useful to his Country, either by inspiring others to communicate something more perfect, or inciting our Legislature to a serious consideration of this Subject, I shall think the general Design of these Papers sufficiently answered.

In pointing out a Plan for the College, I shall first shew what it ought not to be, in order that what it should be, may appear with greater Certainty.

As Corporations and Companies are generally founded on Royal Grants, it is without Doubt supposed by many, that our College must be constituted by Charter from his Majesty, to certain Persons, as Trustees, to whose Government and Direction it will be submitted. Nor does the Impropriety of such a Plan strike the unattentive Vulgar, tho' to a considerate Mind it appears big with mighty Evils.

*Nec quæ circumstant te deinde pericula cernis
Demens*

VIRG.

It is necessary to the well-being of every Society, that it be not only established upon an ample and free Bottom; but also secured from Invasion, and its Constitution guarded against Abuses and Perversion. These are Points of which I beg Leave to think my Readers fully convinced. Nor can they wonder at the Novelty of my Scheme, when an University, hatched by the Heat of Sectaries, and cherished in the contracted Bosom of furious Zeal, shall be shewn to be the natural consequence of a Charter Government.

BUT to consider an Academy founded on a Royal Grant in the most favourable Light, Prudence will compel our Disapprobation of so precarious a Plan. The Mutability of its Nature will incline every reasonable Man, to prefer to it that Kind of Government, which is both productive of the richest Blessings, and renders its Advantages the more precious, by their superiour Stability. A Charter can at best present us with a Prospect of what we are scarce sure of enjoying a Day. For every Charter of Incorporation, as it generally includes a Number of Privileges subject to certain express or implied Conditions, may, in particular, be annulled, either on a Prosecution in the

Court of *Kings-Bench* by *Quo warranto* or by *Scire Facias* in Chancery, or by *Surrender*. Nor does it require a great Abuse of Privilege to determine its Fate by the two first Means, while mere Caprice, or some thing worse, may at any Time work its Dissolution by the latter. I believe my Countrymen, have too high a Sense of the Advantages of Learning, to risk the College upon so unsettled a Basis; and would blast a Project so ineffective of its true End, to make Room for a Scheme by which the Object of Public Attention may be fixed on a Bottom more firm and durable. How would it damp the sanguine Prospects, of the fervent Patriot; disappoint the honest Well-wisher of his Country; and blacken the Hopes of every Lover of the Muses into Dispair, should an inconsiderable Mistep subvert so noble a design! Yet, to these fatal Evils would a Charter be exposed: Should the Trustees exceed their Authority, however inconsiderably it might affect the Interest of the College, their acting contrary to the express Letter, would *ipso facto* avoid it. Or should they, either thro' Ignorance, Inattention or Surprise, extend their Power in the least beyond those Limits, which the Law would prescribe upon a Construction of the Charter, a Repeal might be obtained by Suit at Common Law, or in Equity. And perhaps such might be the Circumstances of Things, as to render a new Incorporation at that Juncture, utterly impracticable. Besides, upon its Dissolution all the Lands given to it, are absolutely lost. The Law annexes such a Condition to every Grant to a Body politic: They revert to the Donor. Nor is there much Reason to expect a charitable Reconveyance from the Reversioner.

BUT if this may possibly be the Case, should even the Scheme of the Instruction of our Youth continue unperverted by the Directors of our Academy, what Abuses of Trust might they commit, what Attacks upon the Liberty and Happiness of this Province might they make, without Correction or Controul, should they be influenced by sinister Views? While the Fountain continues pure and unpolluted, the Stream of Justice may flow through its Channels clear and undisturbed. But should arbitrary Power hereafter prevail, and the tyrannical Arts of JAMES return to distress the Nation, the Oppression and Avarice of a future Governor, may countenance the iniquitous Practices of the Trustees, or destroy the Charter by improving the Opportunity of some little Error in their conduct; and having seized the Franchise, dispose of it by a new Grant to the fittest Instruments of unjust and imperious Rule, and then adieu to all Remedy against them: For were they prosecuted by his Majesty's Attorney General in the *King's-Bench* a *Noli prosequi* would effectually secure them from Danger; while the Authority of a Governor rendered a Suit in Equity entirely useless. Thus would the Cause of Learning, the Rights and Privileges of the College, our public Liberty and Happiness, become a Prey to the base Designs and united Interest of the Governor and Trustees, in Spite of the most vigorous Efforts of the whole Province: Nor could a happy Intervention to the general Calamity, be expected from the other Branches of the Legislature, while his Majesty's Representative would give a hearty Negative to

every salutary Bill, the Council and Assembly should think proper to pass. I say, his Majesty's Representative; for tho' our gracious Sovereign can delegate his executive Authority, he cannot transfer his Royal Virtues; and more than once has this Province beheld a Vicegerent of the Best of Princes, imitate the Actions of the Worst. Reflections of this Kind will pronounce it a Truth most glaringly evident, that whatever Care may be taken in the Construction of a Charter to give our College an extensive Bottom, to endow it with the richest Privileges, and secure them by the most prudent Methods, it may still become the Spoil of Tyranny and Avarice, the Seat of slavish, bigotted and persecuting Doctrines, the Scourge and Inquisition of the Land. And far better would it be for us to rest contented with the less considerable Blessings we enjoy, without a College, than to aim at greater, by building it upon the sandy Foundation of a Charter-Government.

BUT after all, it may be urged, that should the College be founded on a Royal Grant, it might still be raised upon as unexceptionable a Basis, and as munificently endowed with Privileges as upon any other Footing. This is not in the least to be doubted. That a specious Charter will be drawn, and exhibited to public View, I sincerely believe: A Trick of that kind will unquestionably be made Use of, to amuse the unattentive Eye, and allure the unwary Mind into an easy Compliance. But it will be only *latet Anguis in Herba*, and when a copious Fund is once obtained, a Surrender of the Charter may make Way for a new One, which tho' sufficiently glaring, to detect the Cheat, will only leave us Room to repent of our Credulity. This is beyond Dispute, a sufficient Reason with some, for establishing the College by Charter, tho', in my humble Opinion, it is one of the strongest Arguments that can be urged against it. We should be careful, lest, by furnishing the Trustees with a Fund, to render themselves independent of us, we may be reduced to the Necessity of being dependent upon them. If the Public must furnish the Sums by which the College is to be supported, Prudence declares it necessary, that they should be certain to what Uses the Monies will be applied; lest instead of being burdened with Taxes to advance our Interest, we should absurdly impoverish ourselves, only to precipitate our Ruin. In short, as long as a Charter may be surrendered, we are in Danger of a new One, which perhaps will not be much to our liking: And, as this Kind of Government will be always subject to Innovations, it will be an incontestible Proof of our Wisdom to reject it for a better.

It has in my last two Papers been shewn, what an extensive and commding Influence the Seat of Learning will have over the whole Province, by diffusing its Dogmata and Principles thro' every Office of Church and State. What Use will be made of such unlimited Advantages, may be easily guessed. The civil and religious Principles of the Trustees, will become universally established, Liberty and Happiness be driven without our Borders, and in their Room erected the Banners of spiritual and temporal Bondage. My Readers may, perhaps, regard such Reflections as the mere Sallies of a roving

Fancy; tho', at the same Time, nothing in Nature can be more real. For should the Trustees be prompted by Ambition, to stretch their Authority to unreasonable Lengths, as undoubtedly they would, were they under no Kind of Restraint, the Consequence is very evident. Their principal care would be to chuse such Persons to instruct our Youth, as would be the fittest Instruments to extend their Power by positive and dogmatical Precepts. Besides which, it would be their mutual Interest to pursue one Scheme. Their Power would become formidable by being united: As on the contrary, a Dissention would impede its Progress. Blind Obedience and Servility in Church and State, are the only natural Means to establish unlimited Sway. Doctrines of this Cast would be publicly taught and inculcated. Our Youth, inured to Oppression from their Infancy, would afterwards vigorously exert themselves in their several Offices, to poison the whole Community with slavish Opinions, and one universal Establishment become the fatal Portion of this now happy and opulent Province. Thus far the Trustees will be at Liberty to extend their Influence without controul, as long as their Charter subsists: And thus far they would undoubtedly extend it. For whoever, after being conscious of the uncertain Nature and dismal Consequences of a Charter College, still desires to see it thus established, and willingly becomes a Trustee, betrays a strong Passion for Tyranny and Oppression: Did he wish the Welfare of his Country, he would abhor a Scheme that may probably prove so detrimental to it; especially when a better may be concerted. It would therefore be highly imprudent to trust any Set of Men with the care of the Academy, who were willing to accept it under a Charter.

If it be urged, that the Reasons above advanced, to prove the Danger and Mutability of a charter Government, militate strongly against the Consequences I have deduced from them, let it be considered, that it will be in the Power of one Person only, to encourage or oppose the Trustees in the Abuse of their Authority. This Point, I think, is sufficiently evinced. Time may, perhaps, furnish the Trustees with an Opportunity of corrupting him with Largesses; or the change of Affairs, make it his Duty to encourage the most slavish Doctrines and Impositions. Where then will be our Remedy, or how shall we obtain the Repeal of a Charter abused and perverted? Be it ever so uncertain in its Nature, it will still be in the Power of a Governor, to secure it against the Attacks of Law and Justice: Or, to render us more compleatly miserable, he may grant a new One, better guarded against any Danger from that Quarter. In the present Situation of Things, we have, indeed, no Reason to fear it. But as they may possibly assume a different Face hereafter, let us at least be armed in a Matter of so great Consequence, against the Incertainty of future Events.

BUT after all it cannot be expected, that a Charter should at once be so compleatly formed, as to answer all the valuable Purposes intended by it. Inventions are never brought to sudden Perfection; but receive their principal Advantages from Time and Experience, by a slow Progression. The human Mind is too contracted to com-

prehend in one View, all the Emergencies of Futurity ; or provide for and guard against, distant Contingencies. To whomsoever, therefore, the Draft of a Charter shall be committed Experience will prove it defective, and the Vicissitude of Things make continual Alterations necessary. Nor can they be made without a prodigious Expence to the Public, since, as often as they are expedient, a new Charter will be the only Means to effect it.

I HOPE my Readers are by this Time convinced, that a Charter College will prove inefficacious to answer the true End of the Encouragement of Learning ; and that general Utility can never be expected from a Scheme so precarious and liable to abuse. I shall in my next Paper exhibit another Plan for the Erection of our College, which if improved, will answer all the valuable Ends that can be expected from a Charter, and at much less Expence : While it will also effectually secure all those Rights and Privileges which are necessary to render the Increase of true Literature more vigorous and uninterrupted.

B.

 NUMBER XX.

THURSDAY, APRIL 12, 1753.

A farther Prosecution of the same Subject.

*Si vincimus omnia nobis tuta erunt, Commeatus abunde municipia atque Coloniae patebunt ;
sin metu cesserimus, eadem illa adversa fient.* SAL.

I HAVE in my last Paper endeavoured to explode the Scheme of erecting our College by Charter, as a Means wholly inadequate to the End proposed. Many of my Readers are doubtless convinced, how justly it lies open to the Objections I have raised against it ; and therefore expect, that something more effectual be proposed in its Stead : While others that remain unsatisfied, may, perhaps, find their Doubts removed, by perusing the Plan I shall lay before them.

BUT I would first establish it as a Truth, that Societies have an indisputable Right to direct the Education of their youthful Members. If we trace the Wisdom of Providence in the Harmony of the Creation ; the mutual Dependence of human Nature, renders it demonstrably certain, that Man was not designed solely for his own Happiness, but also to promote the Felicity of his Fellow-Creatures. To this Bond of Nature, civil Government has joined an additional Obligation. Every Person born within the Verge of Society, immediately becomes a Subject of that Community in which he first breathes the vital Element ; and is so far a Part of the political Whole, that the Rules of Justice inhibit those Actions which, tho' tending to his own Advantage, are injurious to the Public Weal. If therefore, it belongs to any to inspect the Education of Youth, it is the proper Business of the Public, with whose Happiness their future Conduct in Life is inseparably connected, and by whose Laws their relative Actions will be governed.

SENSIBLE of this was the *Spartan* Law-giver, who claimed the Education of the *Lacedemonian* Youth, as the unalienable Right of the Commonwealth. It was dangerous in his Opinion, to suffer the incautious Minds of those who were born Members of Society, to imbibe any Principles but those of universal Benevolence, and an unextinguishable Love for the Community of which they were Subjects. For this Reason, Children were withdrawn from the Authority of their Parents, who might otherwise warp their immature Judgments in Favour of Prejudices and Errors obtruded on them by Dint of Authority: ut if this was considered as a prudent Step to guard the Liberty and Happiness of that Republic; methinks it will not be unadvisable, for our Legislature, who have it in their Power, to secure us against the Designs of any Sect or Party of Men, that may aim at the sole Government of the College. If there the youthful Soul is to be ingrafted with blind Precepts, contracted Opinions, inexplicable Mysteries, and incurable Prejudices, let it be constituted by Charter: But if from thence we expect to fill our public Posts with Persons of Wisdom and Understanding, worthy of their Offices, and capable of accomplishing the Ends of their Institution, let it not be made the Portion of a Party, or private Set of Men, but let it merit the Protection of the Public. The only true Design of its Erection, is to capacitate the Inhabitants of this Province, for advancing their private and public Happiness; of which the Legislature are the lawful Guardians: To them, therefore, does the Care of our future Seminary of Learning properly and only belong.

INSTEAD of a Charter, I would propose, that the College be founded and incorporated by Act of Assembly, and that not only because it ought to be under the Inspection of the civil Authority; but also, because such a Constitution will be more permanent, better endowed, less liable to Abuse, and more capable of answering its true End.

It is unreasonable to suppose, that an University raised by private Contribution in this Province, should arrive at any considerable Degree of Grandeur or Utility: The Expence attending the first Erection, and continual Support of so great a Work, requires the united Aid of the Public. Should it once be made an Affair of universal Concern, they will, no Doubt, generously contribute by Taxes, and every other Means towards its Endowment, and furnish it by a provincial Charge, with whatever shall be necessary to render it of general Advantage. But altho' our Assembly have already raised a considerable Fund for that Purpose, who can imagine they will ever part with or dispose of it to any other Uses, than such as they shall think proper and direct. If the College be erected at the Charge of the Province, it ought doubtless to be incorporated by Act of Assembly; by which Means the whole Legislature will have, as they ought to have, the Disposition of the Fund raised for this Purpose: The Community will then have it in their Power to call those to an Account into whose Hands the public Monies shall be deposited for that particular Use: And thus the Sums though necessary for the Improvement of Learning, will be honestly expended in the Service for which they are designed; or should they be embezzled, it might

easily be detected, and publicly punished: Besides, no particular Set of Men can claim a Right to dispose of the provincial Taxes, but those impowered by the Community; and therefore, if the Colony must bear the Expence of the College, surely the Legislature will claim the Superintendency of it. But if after all, it should be thought proper to incorporate it by Charter, it is to be hoped, they will reserve the public Money for some other Use, rather than bestow it on a College, the Conduct of whose Trustees would be wholly out of the Reach of their Power.

A FURTHER Argument in Favour of being incorporated by Act of Assembly, may be deduced from the End of its Institution. It is designed to derive continual Blessings to the Community; to improve those public Virtues that never fail to make a People great and happy; to cherish a noble Ardour for Liberty; to stand a perpetual Barrier against Tyranny and Oppression. The Advantages flowing from the Rise and Improvement of Literature, are not to be confined to a Set of Men: They are to extend their chearful Influence thro' Society in general, — thro' the whole Province; and therefore, ought to be the peculiar Care of the united Body of the Legislature. The Assembly have been hitherto wisely jealous of the Liberties of their Constituents: Nor can they, methinks, ever be persuaded, to cede their Authority in a Matter so manifestly important to our universal Welfare, or submit the Guidance of our Academy to the Hands of a few. On the contrary, we are all so greatly interested in its Success, as to render it an Object worthy of their most diligent Attention, — worthy of their immediate Patronage. Should a Number of private Persons have the Impudence to demand of our Legislature, the Right of giving Law to the whole Community; or even should they ask the smaller Privilege, of passing one private Act, would it not be deem'd the Height of Effrontery? In what Light then ought the Conduct of those to be considered, who, in claiming the Government of our University, ask no less considerable a Boon, than absolute universal Dominion.

To a matter of such general, such momentous concern, our Rulers can never too particularly apply their Thoughts, since under their Protection alone Learning must flourish, and the Sciences be improved: It may indeed be urged, that the Nature of their Employment forbids them to spend their Time in the Inspection of Schools, or directing the Education of Youth: But are the Rise of Arts, the Improvement of Husbandry, the Increase of Trade, the Advancement of Knowledge in Law, Physic, Morality, Policy, and the Rules of Justice and civil Government, Subjects beneath the Attention of our Legislature? In these are comprehended all our public and private Happiness; these are consequences of the Education of our Youth, and for the Growth and Perfection of these, is our college designed.

ANOTHER Reason that strongly evinces the Necessity of an Act of Assembly, for the Incorporation of our intended Academy, is, that by this means that Spirit of Freedom, which I have in my former Papers,

shewn to be necessary to the Increase of Learning, and its consequential Advantages, may be rendered impregnable to all Attacks. While the Government of the College is in the Hands of the People, or their Guardians, its Design cannot be perverted. As we all value our Liberty and Happiness, we shall all naturally encourage those Means by which our Liberty and Happiness will necessarily be improved: And as we never can be supposed wilfully to barter our Freedom and Felicity, for Slavery and Misery, we shall certainly crush the Growth of those Principles, upon which the latter are built, by cultivating and encouraging their Opposites. Our College therefore, if it be incorporated by Act of Assembly, instead of opening a Door to universal Bigotry and Establishment in Church, and Tyranny and Oppression in the State, will secure us in the Enjoyment of our respective Privileges both civil and religious. For as we are split into so great a variety of Opinions and Professions; had each Individual his Share in the Government of the Academy, the Jealousy of all Parties combating each other, would inevitably produce a perfect Freedom for each particular Party.

SHOULD the College be founded upon an Act of Assembly, the Legislature would have it in their Power, to inspect the Conduct of its Governors, to divest those of Authority who abused it, and appoint in their Stead, Friends to the Cause of Learning, and the general Welfare of the Province. Against this, no Bribes, no Solicitations would be effectual: No Sect or Denomination plead an Exemption: But as Parties are subject to their Authority; so would they all feel its equal Influence in this Particular. Hence should the Trustees pursue any Steps but those that lead to public Emolument, their Fate would be certain, their Doom inevitable: Every Officer in the college being under the narrow Aspect and Scrutiny of the civil Authority, would be continually subject to the wholesome Alternative, either of performing his Duty, with the utmost Exactness, or giving up his Post to a Person of superior Integrity. By this Means, the Prevalence of Doctrines destructive of the Privileges of human Nature, would effectually be discouraged, Principles of public Virtue inculcated, and every Thing promoted that bears the Stamp of general Utility.

BUT what remarkably sets an Act of Assembly in a Light far superior to a Charter, is, that we may thereby effectually counterplot every Scheme that can possibly be concerted, for the Advancement of any particular Sect above the rest. A Charter may, as I have shewn in my last Paper, be so unexceptionably formed, as to incur the Disapprobation of no Denomination whatever, but unexceptionable as it may be we cannot be sure of its Duration. A Second may succeed, which, perhaps, would be disapproved of by all but one Party. On the contrary, we are certain that an Act of Assembly must be unexceptionable to all; since Nothing can be inserted in it, but what any one may except against; and, as we are represented in the Assembly by Gentlemen of various Persuasions, there is the highest Probability, that every Clause tending to abridge the Liberty of any particular Sect, would by some or other of our Representatives be

strongly opposed. And this will still be the Case, however repeatedly Innovations may be attempted by subsequents Acts.

ANOTHER Advantage accruing to the College itself, and consequently to the Community in general, is that larger Donations may be expected, should it be incorporated by Act of Assembly, than by Charter. Every generous Contributor, would undoubtedly be willing to have some Security for the Disposition of his Gratuity, consistent with the Design of his Donative. Nor is it improbable, that the most bounteous Person would refuse to bestow a Largess, without being convinced of the Honesty and Propriety of its Application. Under a Charter no Security to this Purpose can possibly be expected. This is sufficiently evinced by my last Paper. Besides which, if a Charter be obtained, it will without Doubt, be immediately or eventually in favour of one particular Party; the Consequence of which will be plainly this, that the other Sects amongst us, being a vast Majority, instead of contributing to the Support of our Academy by private Donations, will endeavour to discourage each other from it. But should our University be established by Act of Assembly, as every Individual would bear a Part in its Government, so should we all be more strongly induced, by private Gifts, to increase its Endowments.

ADD to all this, that should the Persons intrusted with the immediate Care of our Nursery of Learning, commit any Error in their Conduct, the Act of Assembly would not be void, but in as full Force as if the Error had not been committed. And should they designedly transgress the Bounds of their Authority, the Act might be so constructed, as to disqualify them for holding their Offices, and subject them to the severest Penalties; to be recovered by his Majesty, or the Party aggrieved, or by both. It is also to be remarked, that should the Act of Incorporation be at any Time infringed, and the Liberty of the Students invaded, their Redress would be more easily obtained in a Court of Law.

To this Scheme it may be objected, that the Creating a Body-Politic by Act of Legislation, without a previous Charter, is unprecedented, and an Infringement of the Prerogative of the Crown, and may possibly for those Reasons be damned by the King, who cannot repeal a Charter; and farther, that every End that can be proposed by Act only, may be obtained by a Charter-Incorporation; and an Act posterior, confirming it, and enlarging and regulating the Powers of the Body. In Answer to which, let it be considered, that it is not only the King's Prerogative, to grant a Charter, but also to grant it upon certain Terms; a Non-Compliance with which, will cause its repeal; and from thence arises the Precariousness of a Charter. Should an Act be passed in Consequence of a Charter, it must be either to prevent its Precariousness, or to add new Privileges to those granted by it. If the former should be the Reason for passing an Act, it would militate against the Royal Prerogative, as well as an Act to incorporate the College; and therefore would, in all Probability, meet with the same Fate, and by that Means the Charter would stand alone. If the Act should be only in Aid of the Charter, it would still leave it

in as uncertain a State, as without an Act. So that in either Case the College would be exposed to those Inconveniencies, which, in my last Paper I have shewn to be the natural Consequences of a Charter Government: Besides which, should the College be established by a Charter, the Public will lose most of those Advantages, which I shall in my next Paper propose, as some of the substantial Parts of an Act of Assembly.

MANY other convincing Arguments might be urged with Success, in favour of an Act of Assembly for the Incorporation of our intended College, would the Bounds of this Paper admit their Insertion. Those I have had Room to enforce, are, I am convinced, sufficiently striking, to engage the Assent of every candid and unprejudiced Thinker. To the Wisdom of our Legislature, these Hints will be perfectly useless: Nor do I aim at any Thing more upon so important a Subject, than barely to open the Eyes of some of my less impartial Readers; and testify, how entirely the true Interest of this Province commands the most ardent and sincere Wishes of the *Independent Reflector*.

B.

To the Gentlemen who favoured me with their Sentiments on the Subject of the College, in two Letters signed B C. and A Friend, I return my profoundest Thanks.

NUMBER XXI.

THURSDAY, APRIL 19, 1753.

Remarks on the COLLEGE continued.

— *Si quid Novisti rectius istis,
Candidus imperti: si non, his utere mecum*

HOR.

THAT a College may be a Blessing or a Curse to the Community, according to its Constitution and Government, I think appears sufficiently evident from my former Papers. That incorporating it by an Act of Assembly, will be the best Means of securing the first, and avoiding the last, is in my Opinion, equally clear and incontestible. On a Subject of such general Importance; a Subject that concerns our Liberty and our Privileges, civil and religious; a Subject that will affect the Prosperity of our Country, and particularly involves in it, the Happiness and Misery of our Posterity, it would have been unpardonable in a Writer, whose Services are entirely devoted to the Public, to have passed it over in Silence, or handle it with Indifference and Langour. No, it deserves my most deliberate Attention, and fervent Activity; and calls for the Assistance of every Man who loves Liberty and the Province. Fully sensible of its unspeakable Importance, I shall now proceed to point out those Things which in my Judgment, are necessary to be inserted in the incorporating Act, for the Advancement of the true Interest of the College, and rendering it really useful to the Province. Such Things

as will effectually prevent its being prejudicial to the Public, and guard us against all the Mischiefs we so justly apprehend, should it ever unhappily fall into the Hands of a Party.

FIRST: That all the Trustees be nominated, appointed, and incorporated by the Act, and that whenever an Avoidance among them shall happen, the same be reported by the Corporation to the next Sessions of Assembly, and such Vacancy supplied by Legislative Act. That they hold their Offices only at the good Pleasure of the Governor, Council and General Assembly: And that no Person of any Protestant Denomination be, on Account of his religious Persuasion, disqualified for sustaining any Office in the College.

IN Consequence of this Article we shall have the highest Security, that none will be dignified with that important and honourable Office, but such as are really qualified for executing it, agreeable to the true Design of its Institution. Should either Branch, or any two Branches of the Legislature, propose and elect a Candidate obnoxious to the Third, the Negative of the latter is sufficient to prevent his Admission. The three Branches concurring in every Election, no Party can be disobliged, and when we consider the Characters of the Electors, all Possibility of Bribery and Corruption, seems to be *intirely excluded*.

SECONDLY: That the President of the College be elected and deprived by a Majority of the Trustees, and all the Inferior Officers by a Majority of the Trustees with the President; and that the Election and Deprivation of the President, be always reported by the Trustees, to the next Session of Assembly, and be absolutely void, unless the Acts of the Trustees in this Matter, be then confirmed by the Legislature.

BY this Means the President, who will have the supreme Superintendency of the Education of our Youth, will be kept in a continual and ultimate Dependence upon the Public; and the Wisdom of the Province being his only Support, he will have a much greater Security, in the upright Discharge of his Duty, than if he depended solely on the Trustees, who are likely to oust him of his Office and Livelihood thro' Caprice or Corruption. That Station being therefore more stable, will at the same Time be more valuable; and for this Reason we have the stronger Hopes of filling the President's Chair with a Man of Worth and Erudition, upon whose good Qualifications and Conduct, the Success and Improvement of the Students, will eminently depend.

THIRDLY: That a Majority of the President and Trustees, have Power to make By-Laws not repugnant to the Act of Incorporation, and the Law of the Land: That all such By-Laws be reported to the House of Representatives at their next succeeding Session, *in hæc Verba*, under the Seal of the College, and the Hands of the President and five Trustees; and that if they are not reported, or being reported are not confirmed, they shall be absolutely void.

HENCE it is easy to conceive, that as on the one Hand there will be a great Security against the arbitrary and illegal Rule of the President and Trustees; so on the other, the immediate Governors of the

College will have all proper Authority to make such salutary Rules as shall be necessary to advance the Progress of Literature, and support a Decorum and Police in the Academy,—as well as maintain the Dignity and Weight which the Superiors of it ought undoubtedly to be enabled to preserve over their Pupils.

FOURTHLY: That the Act of Incorporation contain as many Rules and Directions for the Government of the College as can be foreseen to be necessary.

As all our Danger will arise from the Mis-Rule of the President and Trustees; so all our Safety consists in the Guardianship of the Legislature. Besides, the Advantage herefore, of being by this Article secured from arbitrary Domination in the College; the Business of the Trustees and President will be less, and they with their Subordinates, more at Leisure to concert the Advancement of the College.

THE FIFTH Article I propose is, that no religious Profession in particular be established in the College, but that both Officers and Scholars be at perfect Liberty to attend any Protestant Church at their Pleasure respectively: And that the corporation be absolutely inhibited the making of any By-Laws relating to Religion, except such as compel them to attend Divine Service at some Church or other, every Sabbath, as they shall be able, lest so invaluable a Liberty be abused and *made a cloak for Licentiousness*.

To this most important Head, I should think proper to subjoin,

SIXTHLY: That the whole College be every Morning and Evening convened to attend public Prayers, to be performed by the President, or in his Absence, by either of the Fellows; and that such Forms be prescribed and adhered to as all Protestants can freely join in.

BESIDES the fitness and indisputable Duty of supporting the Worship of God in the College; obliging the Students to attend it twice every Day, will have a strong Tendency to preserve a due Decorum, Good Manners and Vertue amongst them, without which the College will sink into Profaness and Disrepute. They will be thereby forced from the Bed of Sloth, and being brought before their Superiors, may be kept from Scenes of Wickedness and Debauchery, which they might otherwise run into, as hereby their Absence from the College will be better detected.

WITH respect to the Prayers, tho' I confess there are excellent Forms composed to our Hands, it would rather conduce to the Interest of our Academy, if, instead of those, new Ones were collected, which might easily be done from a Variety of approved Books of Devotion among all Sects; and perhaps it may be thought better to frame them as near as possible in the Language of Scripture. The general Form need be but few. Occasional Parts may be made to be inserted when necessary; as in cases of Sickness, Death, &c. in the College, or under general Calamities, as War, Pestilence, Drought, Floods, &c. and the like as to Thanksgivings. Many of the Forms of Prayer contained in the English Liturgy, are in themselves unexceptionably good; but as establishing and imposing the Use of

those, or of any other Protestant Communion, would be a discriminating Badge, it is liable to Objections, and will occasion a general Dissatisfaction. As the Introduction of them, therefore, will prejudice the College, it is a sufficient Reason against it. It will be a Matter of no small Difficulty to bring the greatest Part of the Province, to the Approbation of praying at any Time by Forms; but since they are in this Case absolutely expedient, our Affection for the Prosperity of this important Undertaking, should incline us, while we give some Offence in one Article, to remove it by a Compensation in another of less Consequence to the College.

SEVENTHLY: That Divinity be no Part of the public Exercises of the College, I mean, that it be not taught as a Science: That the Corporation be inhibited from electing a Divinity Professor; and that the Degrees to be conferred, be only in the Arts, Physic, and the Civil Law.

YOUTH at a College, as I have remarked in a former Paper, are incapable of making a judicious Choice in this Matter; for this Reason the Office of a theological Professor will be useless: Besides, Principles obtruded upon their tender Minds, by the Authority of a Professor's Chair, may be dangerous. But a main Reason in support of this Clause, is the Disgust which will necessarily be given to all Parties that differ in their Professions from that of the Doctor. The Candidate for the Ministry will hereby in his Divinity Studies, whenever he is fit for them, be left to the Choice and Direction of his Parents or Guardians. Besides, as most of the Students will be designed for other Employments in Life, the Time spent in the Study of Divinity, may be thought useless and unnecessary, and therefore give Umbrage to many. Nor will their whole Course of Time at the College, be more than sufficient for accomplishing themselves in the Arts and Sciences, whether they are designed for the Pulpit, or any other learned Profession. And it may justly be doubted, whether a Youth of good Parts, who has made any particular Proficiency in the Elements, or general Branches of Knowledge (his Instruction in which is the true and proper Business of a collegiate Education) would not be able to qualify himself for the Pulpit, by a Study of the Scriptures, and the best Divinity Books in the College Library, as well without as with the Aid of a Professor; especially if it be enacted,

EIGHTHLY: That the Officers and Collegians have an unrestrained Access to all Books in the Library, and that free Conversation upon polemical and controverted Points in Divinity, be not discountenanced; whilst all public Disputations upon the various Tenets of different Professions of Protestants, be absolutely forbidden.

NINTHLY: That the Trustees, President, and all inferior Officers, not only take and subscribe the Oaths and Declaration appointed by Statute, but be also bound by solemn Oath, in their respective Stations, to fulfil their respective Trusts, and preserve inviolate the Rights of the Scholars, according to the fundamental Rules contained in the Act. And that an Action at Law be given and well secured to every inferior Officer and Student, to be brought by himself, or

his *Guardian*, or *procchein Amy*, according to his Age, for every Injury against his legal Right so to be established.

AND in as much as artful Intrigues may hereafter be contrived to the Prejudice of the College, and a Junto be inleagned to destroy its free Constitution, it may perhaps be thought highly expedient, that the Act contain a Clause

TENTHLY: That all future Laws, contrary to the Liberty and Fundamentals of this Act, shall be construed to be absolutely void, unless it refers to the Part thus to be altered, and expressly repeals it; and that no Act relating to the College, shall hereafter pass the House of Representatives, but with the Consent of the Majority of the whole House; I mean all the Members of Assembly in the Province.

NOR would it be amiss to prescribe,

ELEVENTHLY: That as all Contests among the inferior Officers of the College, should be finally determined by the Majority of the Members of the Corporation, so the latter should be determined in all their Disputes, by a Committee of the whole House of Representatives, or the major Part of them.

THESE are the Articles which in my Opinion, should be incorporated in the Act for the Establishment of the College; and without which we have the highest Reason to think, the Advantages it will produce, will at best fall short of the Expence it will create, and perhaps prove a perpetual Spring of public Misery — *A Cage*, as the Scripture speaks, *of every unclean Bird* — The Nursery of Bigotry and Superstition — An Engine of Persecution, Slavery and Oppression — A Fountain whose putrid and infectious Streams will overflow the Land, and poison all our Enjoyments. Far be it from me to imagine I have pointed out every Thing requisite to the Preservation of Liberty, and the Promotion of the Interest of the College; I only suggest such Heads as occur. Beyond all doubt my Scheme is still imperfect. Should our Legislature themselves enter upon this momentous Affair, the Example of a British House of Commons, in Matters of great Importance, might be worthy their Imitation. I mean, that the Bill be printed and published several Months before it passes the House. The Advantage I would propose from this Step is, that while it only exists as a Bill, the Objections against it would be offered with Freedom, because they may be made with Impunity. The general Sense of the People will be the better known, and the Act accommodated to the Judgment and Esteem of all Parties in the Province.

A.

NUMBER XXII.

THURSDAY, APRIL 26, 1753.

The same Subject continued and concluded in,

AN ADDRESS to the Inhabitants of the Province.

*If we retain the Glory of our Ancestors,
Whose Ashes will rise up against our Dulness,
Shake off our Tameness, and give Way to Courage;
We need not doubt, inspir'd with a just Rage,
To break the Neck of those, that would yoke ours.*

Tatham's distracted State.

Flectere si nequeo superos, Acheronta movebo.

VIRG.

MY DEAR COUNTRYMEN,

IN a Series of Papers, I have presented to your View the Inconveniences that must necessarily result from making the RULE of the College, the *Monopoly* of any single Denomination. I have considered it in a Variety of Lights, and explor'd it's numerous Evils. To prevent them in the most effectual Manner, I have concerted a Plan, the Heads of which have been offered to your serious Consideration. Throughout the whole, I have given my Thoughts with the Freedom and Independence suitable to the Dignity of the Subject, and the Character of an impartial Writer. Upon my Representation of the Matter, nor Awe, nor Hope, hath had any Influence. But urg'd by the Love of Liberty, and a disinterested Concern for your, and your Posterity's Happiness, I have disclos'd the Importance,—the prodigious importance of the present Question.

FAR be it from me, to terrify you with imaginary Dangers, or to wish the Obstruction of any Measure conducive to the public Good. Did I not foresee,—was I not morally certain of the most ruinous Consequences, from a Mismanagement of the Affair, I should not address you with so much Emotion and Fervor: But when I perceive the impending Evil; when every Man of Knowledge and Impartiality entertains the same Apprehension; I cannot, I will not conceal my Sentiments. In such a Case, no Vehemence is excessive, no Zeal too ardent. The Alarm given is not confined to Particulars. No, the Effects I presage are dreaded far and wide as a general Calamity. Would to God our Terror was merely panic! but it is founded on the unerring Testimony of History, of Reason, and universal Experience.

NOR fancy I aim at warping your Judgment by the Illusion of Oratory, or the Fascination of Eloquence. If in the Sequel, I appear rather to declaim than prove, or seem to prefer the Flowers of Rhetoric to the Strength of Argument, it is because, by the clearest Demonstration, I have already evinc'd the Necessity of frustrating so injurious a Step. My Assertions have not been unsupported by Evidence, nor have I levell'd at your Passions, till I had convinced your Reason. After this, you will pardon a more animated Address, intended to warm the Imagination and excite your Activity.

Of Prejudice and Partiality, I renounce the Charge; having alike

argued against all Sects whatever, as I am in reality perfectly neutral and indifferent. For the Sincerity of my Intentions, I lay my Hand upon my Heart, and appeal to the enlighten'd Tribunal of Heaven.

ARISE, therefore, and baffle the Machinations of your and their Country's Foes. Every Man of Vertue, every man of Honour, will join you in defeating so iniquitous a Design. To overthrow it, nothing is wanting but your own Resolution. For great is the Authority, exalted the Dignity, and powerful the Majesty of the People. And shall you the avow'd Enemies of Usurpation and Tyranny,—shall you, the Descendants of *Britain*, born in a Land of Light, and rear'd in the Bosom of Liberty,—shall you commence Cowards at a Time when Reason calls so loud for your Magnanimity? I know you scorn such an injurious Aspersions. I know you disdain the Thoughts of so opprobrious a Servility; and what is more, I am confident the Moment you exert a becoming Fortitude, they will be sham'd out of their Insolence. They will blush at a Crime they cannot accomplish, and desist from Measures they find unsuccessful. Some of you, perhaps, imagine all Opposition unavailable. Banish so groundless a Fear. Truth is Omnipotent, and Reason must be finally victorious. Up and try. Be Men, and make the Experiment. This is your Duty, your bounden, your indispensable Duty. Ages remote, and Mortals yet unborn, will bless your generous Efforts; and revere the friendly Hand that diverted the meditated Ruin, as the Saviour of his Country.

THE LOVE of LIBERTY is natural to our Species, and an Affection for POSTERITY, interwoven with the human Frame. Inflamed with this *Love*, and animated by this Affection, oppose a Scheme so detrimental to your Privileges so fatal to your Progeny. Perhaps you conceive the Business is done. What! do you take it for granted that so it must be! Do you not think yourselves free? Our Laws, our Assemblies, the Guardianship of our Mother Country, the mildest and the best of KINGS, do they not convince you that hitherto you know not what is Servitude? And will you trifle with an inestimable Jewel? Will you dance on a Precipice, and lay your Hand on a Cockatrice's Den? Unresisting will you yield, and resign without a Struggle? Will you not even venture at a Skirmish, to bequeath to your Posterity the priceless Treasure yourselves enjoy? Doubtless you resent the Insinuation. Courage then my Brethren: Reason is for us, that Reason whose awful Empire is spurn'd by your Adversaries; for such are those whoever they be, that aspire to a Superiority above their fellow Subjects. Whence then should proceed your remissness in a Concern so momentous? Whence so tame a Submission, so ignominious a Compliance? Thou GENIUS of LIBERTY dispensing unnumber'd Blessings! Thou SPIRIT of PATRIOTISM ever watchful for the public Good! Do ye inspire us with Unanimity in so interesting a Cause, and we will assert our Rights against the most powerful Invasion!

You, Gentlemen of the CHURCH of ENGLAND, cannot but condemn the unaccountable Assurance of whatever Persuasion, presumes to rob you of an *equal* Share in the Government of what *equally* belongs to all. With what Indignation and Scorn, must you, the most numerous and richest Congregation in this City, regard so inso-

lent an Attempt! You who have the same Discipline, and the same Worship with the Mother Church of the Nation, and whose fundamental Articles are embrac'd by all Protestant Christendom,—what Colour of Reason can be offered to deny you your just Proportion in the Management of the College? Methinks a due Respect for the national Church, nay common Decency and good Manners, are sufficient to check the presumptuous Attempt, and redder the Claimant with a guilty Blush. Resent, therefore, so shameless a Pretence, so audacious an Inroad.

NOR can you Gentlemen of the DUTCH CHURCH, retrospect the Zeal of your Ancestors in stipulating for the Enjoyment of their religious Privileges, at the Surrender of the Province, without a becoming Ardor for the same Model of public Worship which they were so anxious in preserving to you in its primitive Purity. Or higher still, to trace the Renown of your Progenitors, recollect their Stand, their glorious and ever memorable Stand against the Yoke of Thralldom, and all the Horrors of ecclesiastic Villainy, its inseparable Concomitants. For their inviolable Attachment to pure unadulterated Protestantism, and the inestimable Blessings of Freedom civil and sacred, History will resound their deathless Praises; and adorned with the precious Memorials of their heroic and insuppressible Struggles against Imposition and Despotism, will shine with eternal and undecaying Splendor. Impell'd by their illustrious Example, disdain the Thoughts of a servile Acquiescence in the usurp'd Dominion of others, who will inevitably swallow up and absorb your Churches, and efface even the Memory of your having once formed so considerable a Distinction. Pity Methinks it would be and highly to be deplor'd, that you should, by your own Folly, gradually crumble into Ruin, and at length sink into total and irrecoverable Oblivion.

REMEMBER Gentlemen of the English PRESBYTERIAN Church, remember with a sacred Jealousy, the countless Sufferings of your pious Predecessors, for Liberty of Conscience, and the Right of private Judgment. What Afflictions did they not endure, what fiery Trials did they not encounter, before they found in this remote Corner of the Earth, that Sanctuary and Requiem which their native Soil inhumanly deny'd them? And will you endanger that dear-bought Toleration for which they retired into voluntary Banishment, for which they agoniz'd, and for which they bled? What drove your Ancestors to this Country, then a dreary Waste and a barren Desart? What forced them from the Land of their Fathers, the much-lov'd Region where first they drew the vital Air? What compell'd them to open to themselves a passage into these more fortunate Climes? Was it not the Rage of Persecution and a lawless Intolerance? Did they not seek an Asylum among the Huts of Savages more hospitable, more humaniz'd than their merciless Oppressors? Could Oceans stop or Tempests retard their Flight, when Freedom was attack'd and Conscience was the Question? And will you entail on your Posterity that Bondage, to escape which they brav'd the raging Deep, and penetrated the howling Wilderness!

YOU, my FRIENDS, in Derision called QUAKERS, have always approv'd yourselves Lovers of civil and religious Liberty: and of universal Benevolence to Mankind. And tho' you have been misrepresented as averse to human Learning, I am confident, convinced as you are of the Advantages of useful Literature, by the Writings of your renown'd *Apologist*, and other celebrated Authors of your Persuasion, you would generously contribute to the Support of a College founded on a free and catholic Bottom. But to give your Substance to the Bearing of Bigotry, or the tutoring Youth in the *enticing Words of Man's Vanity*, I know to be repugnant to your candid, your rational, your manly Way of thinking. Since the first Appearance of the *Friends*, thro' what Persecutions have they not waded? With what Difficulties have they not conflicted, e'er they could procure the unmolested Enjoyment of their Religion? This I mention not to spur you to revenge the Indignities offered to your Brethren, who being now beyond the Reach of Opposition and Violence, you, I am sure will scorn to remember their Tribulations with an unchristian Resentment. But to make their inhuman Treatment a Watch-Tower against the like Insults on your Descendants, is but wise, prudent and rational. At present, as ever you ought, you enjoy a righteous Toleration. But how long you will be able to boast the same Immunity, when the Fountain of Learning is directed, and all the Offices of the Province engrossed by one Sect, God only knows, and yours it is to stand on your Guard.

EQUALLY tremendous will be the Consequences to you, Gentlemen of the FRENCH, of the MORAVIAN, of the LUTHERAN, and of the ANA-BAPTIST Congregations, tho' the Limits of my Paper deny me the Honour of a particular Application to your respective Churches.

HAVING thus, *My Country-Men*, accosted you as distinct Denominations of Christians, I shall again address you as Men, and reasonable Beings.

CONSIDER, *Gentlemen*, the apparent Iniquity, the monstrous Unreasonableness of the Claim I am opposing. Are we not all Members of the same Community? Have we not an equal Right? Are we not alike to contribute to the Support of the College? Whence then the Pretensions of one in Preference to the Rest? Does not every Persuasion produce Men of Worth and Virtue, conspicuous for Sense, and renown'd for Probity? Why then should one be exalted and the other debased? One preferr'd and the rest rejected? Bating the Lust of domineering, no Sect can pretend any Motive for monopolizing the whole? Let them produce their Title, and we will submit. Or do they think us so pusillanimous that we dare not resist? What! are we to be choak'd without attempting to struggle for Breath? One would, indeed, imagine the *Business was done*, and that with a Witness. One would fancy he already beheld *Slavery* triumphant, and *Bigotry* swaying her enormous, her despotic Sceptre. But you, I trust, will assuage their Malice, and confound their Devices. You, I hope, will consider the least Infraction of your Liberties, as a Prelude to greater Encroachments. Such always was, and such ever will be the Case. Recede, therefore, not an Inch from your indisputable

Rights. On the contrary declare your Thoughts freely, nor loiter a Moment in an Affair of such unspeakable Consequence. You have been told it,—Posterity will feel it. Indolence, Indolence has been the Source of irretrievable Ruin. Langour and Timidity, when the public is concerned, are the Origin of Evils mighty and innumerable. Why then in the Name of Heaven, should you behold the Infringement, supine and inanimate? Why should you too late deplore your Irresolution, and with fruitless Lamentation bewail your astonishing, your destructive Credulity? No; defeat the Scheme before it is carried into Execution: Countermine it e'er it proves irreversible. Away with so pestilent a Project: Suffer it no longer to haunt the Province, but stigmatize it with the indelible Brands of the most scandalous Infamy. Alas, when shall we see the glorious Flame of PATRIOTISM lighted up, and blazing out with inextinguishable Lustre? When shall we have *One Interest*, and that Interest be the *common Good*.

To assert your Rights, doth your Resolution fail you? To resist the Domination of one Sect over the Rest, are you destitute of Courage? Tamely will you submit, and yield without a Contest? Come then, and by Imagination's Aid, penetrate into Futurity. Behold your Offspring train'd in Superstition, and bred to holy Bondage. Behold the Province over-run with Priest-Craft, and every Office usurp'd by the ruling Party!

PAUSE, therefore, and consider. Revolve the Consequences in a dispassionate Mind: Weigh them in the Scale of Reason, in the Ballance of cool deliberate Reflection. By the numberless Blessings of LIBERTY, heavenly-born;—by the uncontrollable Dictates of CONSCIENCE, the Vicegerent of GOD;—by the Horrors of PERSECUTION, conceived in Hell, and nurs'd at *Rome*;—and by the awful Name of REASON, the Glory of the human Race; I conjure you to pluck out this Thorn, which is incessantly stinging and goading the Bosom of every Man of Integrity and Candour!

NEXT to the most patriot KING that ever grac'd a Throne, and the wisest Laws that ever bless'd a People, an equal TOLERATION of Conscience, is justly deem'd the Basis of the public Liberty of this Country. And will not this Foundation be undermined? Will it not be threatned with a total Subversion, should one Party obtain the sole Management of the Education of our Youth? Is it not clear as the Sun in his Meridian Splendor, that this Equality—this precious and never-to-be-surrender'd Equality, will be destroy'd, and the Scale preponderate in Favour of the Strongest? And are we silent and motionless, to behold the Abolition of those invaluable Bulwarks of our Prosperity and Repose? Is not the Man,—the Man do I call him? Is not the Miscreant, who refuses to repel their Destruction, an Accomplice in the Crime? Does he not agree to sacrifice that which, next to the Protection of our Mother Country, constitutes our Security, our Happiness, and our Glory? He is beyond Question chargeable with this aggravated Guilt.—Let us, therefore, strive to have the College founded on an ample, a generous, an universal Plan. Let not the Seat of Literature, the

Abode of the Muses, and the Nurse of Science; be transform'd into a cloister of Bigots, an Habitation of Superstition, a Nursery of ghostly Tyranny, a School of rabbinical Jargon. The Legislature alone should have the Direction of so important an Establishment. In their Hands it is safer, incomparably safer, than in those of a Party, who will instantly discover a Thirst for Dominion, and lord it over the Rest.

COME on then, *My Country-Men*, and awake out of your Lethargy! Start, O start, from your Trance! By the unconquerable Spirit of the ancient Britons;—by the Genius of that CONSTITUTION which abhors every Species of Vassalage;—by the unutterable Miseries of PRIEST-CRAFT, reducing Nations and Empires to Beggary and Bondage;—by the august Title of ENGLISHMEN, ever impatient of lawless tyrannic Rule;—by the grand Prerogatives of HUMAN NATURE, the lovely Image of the infinite DEITY;—and what is more than all, by that LIBERTY *wherewith CHRIST has set you free*;—I exhort, I beseech, I obtest, I implore you, to expostulate the Case with your Representatives, and testify your Abhorrence of so perillous, so detestable a Plot. In Imitation of the Practice of your Brethren in *England*, when an Affair of Moment is on the Carpet, petition your respective Members to take it into their serious Consideration. Acquaint them with your Sentiments of the Matter, and I doubt not, they will remove the Cause of your Disquiet, by an Interposition necessary to the public Prosperity, and eventual of their own immortal Honour.

Z.

THE *Reflector's Sentiments, relating to the religious Worship of the College, having been objected to under pretence, that no Prayer can be calculated to please all Parties, he intends, in some future Paper, to exhibit a Form, against which no Protestant of the most scrupulous Conscience can except.*

NUMBER XXIX.

THURSDAY, JUNE 14, 1753.

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To the INDEPENDENT REFLECTOR.

SIR,

AMONG the many Objections raised by the Enemies of civil and religious Liberty, against your Sentiments on our future College, there is one which for its peculiar Malignity, deserves, in my Opinion, the severest Animadversions. It has often been advanced by Persons equally unacquainted with your Subject and Design, that instead of delineating a just Plan for so noble a Structure, you have endeavoured, by raising the Heat of Parties, to prevent our having any College at all. This Assertion contains a double Charge, either Part of which were it true, would be sufficient to blast the growing Reputation of your weekly Reflections.

‘For my Part, I have considered your Papers with the Impartiality becoming a Friend of public Vertue, and cannot discover the least Marks of an Attempt to raise Animosities among your Fellow Creatures. You have indeed animated the various Sects among us, to guard against the Encroachments of each other, which to me appears to be the most natural Means for suppressing the Growth of party Zeal: For the Heat of Sectaries consists not in a mutual Watchfulness, by which they severally keep themselves in a State of Independence; but on the Contrary is the natural Offspring of a persecuting Spirit in the prevailing Persuasion, and the just Resentment of the injured and oppressed. Where all Men enjoy an equal Freedom in Profession and Practice, there can be no Room for the Exertion of so uncharitable a Fervour; and nothing but unwarrantable Encroachments can be productive of Heat and Opposition. In endeavouring, therefore, to support the Freedom of each particular Sect, you have evidently aimed at the Repose and Tranquility of the Whole.

‘But after all, had You arrouzed the Spirit of Party among the People of this Province, is there not sufficient Reason to warrant such a Conduct, tho’ so loudly exclaimed against? Does not one Persuasion openly and avowedly claim the Management of an Affair, with which the Happiness of all Sects is most intimatedly connected? And will not so daring an Encroachment justify the utmost Rage of the Parties insulted? While any Denomination continues so insolent a Claim, it becomes a public Writer industriously to rake up the Sparks of Party, and fan the Fire of Opposition till it mounts into an universal Blaze.

‘The second part of the Charge is, that you aim at having no College. And for this Assertion, whoever candidly reads your Papers, will own there is not the least Foundation. You have convinced the World that you are sensible of the vast advantages of a Public Academy, and would willingly have it secure against the Attacks of every Denomination, that it might continue an inexhaustible Fund of universal Happiness, to latest Posterity. It is true you have declared, that you would prefer our present illiterate State, to all the Benefits we can possibly purchase by raising a College at the Expence of our Liberty: And this, doubtless, is what they mean by your aiming at having no College at all. Nor can they be persuaded, that rough uncultivated Liberty, is infinitely preferable to the most polished and ornamented Servitude.

I am your Humble Servant,

ACADEMICUS.

B

Rye, 18th May, 1753.

[For typographical convenience, we have transposed the next preceding and succeeding articles from their original order.]

NUMBER XXVII.

THURSDAY, MAY 31, 1753.

A Prayer.

AMONGST numberless other Absurdities, it hath often been asserted by those for a partial College, that no prayer could possibly be formed, but what would be rejected by all other Denominations, on Account of the Party by whom it was composed. I shall therefore lay before the Reader, a Prayer wholly collected from the Scriptures, except the Passages in Italics;¹ against which, I presume, no Christian of any Persuasion can object, without at the same Time manifesting his Irreverence for the sacred Oracles.

* * * *

[This Prayer being very long, we copy only the last third of it (omitting the marginal references of the original to books, chapters and verses), which will sufficiently illustrate its character and scope:]

* * * *

WISDOM is better than Rubies, Length of Days are in her Right Hand, and in her Left Hand Riches and Honour: Her Ways are Ways of Pleasantness, and all her Paths are Peace. Let the Knowledge of Wisdom be sweet unto our Souls, as is the Honey-Comb unto the Taste. Let us perceive the Words of Understanding, and cry after Knowledge. Doth not Wisdom cry, and Understanding put forth her Voice? She crieth at our Gates, at the Entry of *this House*, at the coming in at the Doors unto us doth she call, unto us lifteth she her Voice. Let us therefore hear Instruction, be wise and refuse it not: Watching daily at Wisdom's Gates, and waiting at the Posts of her Door: For whoso loveth Instruction, loveth Knowledge.

Unto thee, O God, do we give Thanks, unto thee do we give Thanks. We will praise the Lord for it is good, it is pleasant, and Praise is comely for the Upright. It is a good Thing to give Thanks unto the Lord, and to sing Praises unto thy Name, O Most High! To show forth thy loving Kindness in the Morning, and thy Faithfulness every Night. We bless thee, that when the Fulness of Time was come, thou didst send forth thy Son made of a Woman, made under the Law, to redeem them that were under the Law, that we might receive the Adoption of Sons. That we have an Advocate with the Father, even Jesus Christ the Righteous. That he is set on the Right Hand of the Throne of the Majesty in the Heavens, Angels and Authorities, and Powers being made subject to him. *That he hath* sent us another Comforter to abide with us forever, even the Spirit of Truth. The Lord is good, his Mercy is everlasting, and his Truth endureth to all Generations.

Let thy Salvation and thy Righteousness be openly shewed in the Sight of the Heathen, and let all the Ends of the Earth see the Sal-

¹The compiler does not adhere to this rule in the use of the words "*Levi*" "*Amen*," and "*Our Father who art in Heaven*."

vation of our God. Let the Word of the Lord have free Course, and let it be glorified. Save thy People, O Lord, and bless thy Heritage: Feed them also, and lift them up forever. Bring thy Seed from the East, and gather them from the West: Say to the North give up, and to the South keep not back. Bring thy Sons from afar, and thy Daughters from the Ends of the Earth. From the rising of the Sun to the going down of the same; let thy Name be great among the Gentiles, and the Earth be full of the Knowledge of the Lord, as the Waters cover the Sea. Grace be with all them that love the Lord Jesus Christ with Sincerity. Give King *George* thy Judgments, O God, and thy Righteousness, that he may judge the Poor of the People, save the Children of the Needy, and break in Pieces the Oppressor. Let him redeem their Souls from Deceit and Violence, and let their Blood be precious in his Sight. Let his Throne be established in Righteousness, and upheld with Mercy. Make him exceeding glad with thy Countenance. Through the tender Mercy of the most High, let him not be moved. Cloath his Enemies with Shame, but upon himself let the Crown flourish. Grant him length of Days, and let his Glory be great in thy Salvation. *Bless his Royal Highness George Prince of Wales, the Princess Dowager of Wales, the Duke, the Princesses, and all the Royal Family.* May thy loving Kindness be before their Eyes, and may they walk in thy Truth. *Smile on our Governor.* May he walk in Uprightness: And may his Ways please the Lord. Teach our Senators Wisdom. Let our Rulers be able Men, such as fear God, Men of Truth, hating Covetousness. That Justice may run down as a River, and Righteousness as a mighty Stream. Peace be within our Borders, and Prosperity within our Palaces. Make our Officers Peace, and our Exactors Righteousness. Let Violence never be heard in our Gates; Wasting or Distruction in our Borders: Let our Walls be called Salvation, and our Gates Praise. In the Name of our Lord Jesus Christ, let there be no Divisions among us, but that we may be perfectly joined together in the same Mind and in the same Judgment. Purify the Sons of *Levi*; purge them as Gold and Silver, that they may offer unto the Lord an Offering in Righteousness. Let the Servants of the Lord be gentle to all Men, apt to teach—patient—Examples to the Believers, in Word, in Conversation, in Charity, in Spirit, in Truth, in Purity.

LET us know above all Things, that the Fear of the Lord is the Beginning of Wisdom, and the Knowledge of the Holy is Understanding. Let us love our Enemies, bless them that curse us, do good to them that hate us, and pray for them that despitefully use us, and persecute us. Father forgive them, for they know not what they do. Now to the King eternal, immortal, invisible, the only wise God, be Glory and Majesty, Dominion and Power, both now and ever, *Amen.* *Our Father who art in Heaven, &c.*

In like Manner occasional Parts may be composed, adapted to the Morning, and Evening, Sabbath, Sickness, Death, War, Famine, Fasting, Thanksgiving, &c.

A. & Z.

NUMBER L.

THURSDAY, NOVEMBER 8, 1753.

The Advantages of Education, with the Necessity of instituting Grammar Schools for the Instruction of Youth, preparatory to their Admission into our intended COLLEGE.

*My SPIRIT pours a Vigour thro' the Soul,
 The unfetter'd Thought with Energy inspires,
 Invincible in Arts, in the bright Field
 Of laurel'd Science, as in that of Arms.*

THOM. Lib.

TO enumerate all the Advantages accruing to a Country, from a due Attention to the Encouragement of the Means of Education, is impossible. The happy Streams issuing from that inexhaustable Source, are numberless and unceasing. Knowledge among a People makes them free, enterprising and dauntless; but Ignorance enslaves, emasculates and depresses them. When Men know their Rights, they will at all Hazards defend them, as well against the insidious Designs of domestic Politicians, as the undisguised Attacks of a foreign Enemy: But while the Mind remains involved in its native Obscurity, it becomes pliable, abject, dastardly and tame: It swallows the grossest Absurdities, submits to the vilest Impositions, and follows wherever its is led. In short, irrefragable Arguments in favour of Knowledge, may be drawn from the Consideration of its Nature. But it is sufficient barely to observe its Effects. He must be a Stranger to History and the World, who has not observed, that the prosperity, Happiness, Grandeur, and even the Strength of a People, have always been the Consequences of the Improvement and Cultivation of their Minds. And indeed, where this has been in any considerable Degree neglected, triumphant Ignorance hath open'd its Sluices, and the Country been overflowed with Tyranny, Barbarism, ecclesiastical Domination, Superstition, Enthusiasm, corrupt Manners, and an irresistible confederate Host of Evils, to its utter Ruin and Destruction. While *Egypt* was the School of the Ancients, her martial, was not inferior to her literary, Glory. The successful Defence of the Greeks, against the powerful Invasion of *Persia*, is to be imputed, rather to their Art than to any other Cause. And when *Rome* had compleated the conquest of the World, she triumphed over it as much in Science as in Power and military Valour.

But as necessary and advantageous as the Education of Youth is to a Country, it has often been remarked, that of all the Provinces on the Continent, not one has been so culpably inattentive to this important Article as ours. I wish it was in my Power, to disprove the truth of the Observation. We are not only surpassed by several of our Neighbours, who have long since erected Colleges for publick Instruction, but by all others, even in common Schools; of which I have heard it lamented, that we have scarce ever had a good One in the Province. It is true, we had a Law which declared in its Preamble, that the Youth of this Province, were not inferior in their

Geniusses to those of any other Country: But against this it is to be observed, that the Law is long since expired, and probably our natural Ingenuity abated, and even tho' this was not our Case, I can by no Means agree, that the natural Fertility of our Geniusses, is a sufficient Reason for the total Neglect of their Cultivation.

It is with joy I observe the present Disposition of our Legislature, to remove the Scandal of our former Indolence, about the Means of Education, in the Measures we are pursuing for the Establishment of a College. That important Design must flourish under the Care of the Public. Our Province is growing and opulent, and we are able to endow an University in the most splendid Manner, without any Burden upon the People. Scarce any Thing at present but the Nature of its Constitution demands the Study of the several Branches of the Legislature. And that alone is a Subject worthy their utmost Vigilance and Attention. A College in a new Country, and especially in a Province of such scanty Limits as ours, will necessarily make a vast Alteration in our Affairs and Condition, civil and religious. It will, more or less, influence every Individual amongst us, and diffuse its Spirit thro' all Ranks, Parties and Denominations. If it be established upon a generous and catholic Foundation, agreeable to the true Nature and End of a Seminary for the Instruction of Youth in useful Knowledge, we and our Posterity will have Reason to bless its Founders, and long will it continue the Fountain of Felicity to the Province. But should it unhappily be made the Engine of a Party in Church or State — should it be constituted with any Badge of religious Discrimination of Preference, we have no Reason either to believe or wish its Prosperity. Such an impure Source must necessarily poison us with its infected Streams, endanger our precious Liberties, discourage our Growth, and be obstructive to the public Emolument. But this Matter I have fully considered in some of my former Papers on the College. The laudable Generosity which our Assembly have already exhibited in their Sentiments relating to its Constitution, have procured them the most general Applause, and inspired the People with a Confidence that they will faithfully guard their Privileges sacred and political.

WHOEVER has been at a College, is not ignorant, that the Youth at their Initiation, must be considerably instructed in the Latin and Greek Tongues; their first exercises there, consisting in reading the principal Authors that have written in those Languages. Hence it is plain, that good Grammar Schools, are absolutely necessary in a Course of Education, to the Growth and Prosperity of our College, where, instead of studying the Rudiments of those Languages, after only one Year's Exercise in them, the Youth enter upon sublimer Employments in Logic, Philosophy, Ethics, &c. in which it is impossible for School Boys, thro' the Immaturity of their Judgments, to make any valuable Proficiency. At the same Time, therefore, that we institute a College, we should by no Means neglect the Encouragement of Schools, without which it will be thin and unprosperous. To what Purpose shall we rear a vast and costly Edifice, and raise an expensive Fund for the Support of Instructors, but for the Benefit of the

Students? And to supply the latter without good Schools throughout the Province, will be impossible, unless the College itself be made one, which will be a Scheme both unexampled and absurd.

With Submission therefore, to my Superiors, I would propose, that an Act be passed for building and establishing two Grammar Schools in every County, and enabling the Inhabitants, annually to elect Guardians over them, and empowering the Assessors to raise Fifty Pounds per Annum, as a County Charge, for the Support of each Master, to be nominated and paid by those Guardians.

THIS Step is, in my Opinion, not only feasible, but free from all the Objections which lie against a Grammar School Education in the College, and will, besides, be attended with very good Consequences.

FIRST: Two Schools in a County will probably, for many years, be more than sufficient for the Instruction of the Children to be sent from it to the College, and both of them may be raised at a very inconsiderable Sum. In the Colonies to the Eastward, they are built upon the Commons, contain but one Room, are tight and warm, and not more costly nor larger than a common Log Cottage. The Master suits himself with a Lodging in the Village, and so do his Pupils generally at a very cheap rate. The Masters among them are such as have been graduated at their Colleges, and for want of Estates, stoop to this Employment, till they have more fully prosecuted their Studies; and having but just finish'd their collegiate Education, are perhaps better fitted for that Business, than Persons of riper Years, who have worn off their academical Learning, and are determined upon some particular Office or Occupation. I make no doubt therefore, but that it will be easy to supply our Schools with Preceptors, at Fifty Pounds per Annum each, since there are many such in those Colonies who are glad to take up with a more inconsiderable Sum. But as it seems agreed to fix the College in this City, the Salaries of the same Officers, if Grammar Schools be supported in the College, must be vastly augmented, because their additional Expences in Diet and Dress, must be very much enhanced; and perhaps it will be no easy Matter to provide a Fund for the College, sufficient to sustain the continual Charge of so many Masters.

SECONDLY: Supporting the Youth at those Schools in the Country, will be but a Trifle compared with the prodigious Expence of maintaining them in the City, which probably will prevent many from bestowing upon their Children a publick Education.

THIRDLY: It is worth Consideration, that as Boys at a very early Age may be fit for the Grammar School, the Tenderness or Weakness of Parents, may raise Objections against sending them to *New-York*, at the proper Time, for their Study of the Tongues; and in Consequence thereof, to their utter Ruin, prevent their ever passing thro' the College who might otherwise be constantly kept, during their Infancy, at a Country School, under the Care of their Parents, till they were in Age, and Capacity, prepared for entering the College. And, indeed, I cannot help thinking, but that this Objection alone would prove fatal to the Scheme of supporting Grammar

Schools in the College; for where one Man would agree to put a Lad of Ten or Twelve Years of Age to School, Fifty or a Hundred Miles from him, many, rather than submit to it, would refuse giving their Children any Education at all, especially if it be also considered how susceptible tender Minds are of all Impressions, whether Good or Evil, and how necessary it is in forming their Morals, that they should be kept under the Eye of their Parents.

FOURTHLY: It is not to be supposed that, let a Boy's Genius be never so promising, he can be well-fitted for his Entrance into the College, in less than four Years. Nor will he thence carry off much Knowledge, unless he continues his Studies there, at least four Years more. So that, if he is sent to the College for his Attainment of the Tongues, his Absence from Home, and Residence in the City, will take up eight Years, where the Expence of his Tuition, extraordinary Dress and Diet, will perhaps exceed his Father's Purse, and for that unsurmountable Objection, prevent his ever having the Means of an Education; when, if one Half of that Time was spent at no Charge for Tuition, and a very trifling Expence for his Board and Dress in the Country, his Talents might be cultivated to the Advantage of himself and the Public.

FIFTHLY: At these Country-Schools it will be in the Power of those Parents to have their Children taught Latin and Greek, who are neither able nor inclined to give them an academical Education, from which they will be deterred by the Expence of maintaining them four Years in *New-York*. Nor, tho' they should not intend them so ample an Education as they would receive in the College, would it in many Cases be improper to let them pass thro' the Grammar Schools. I have known many Men, without any other Assistances in Education than what they received at such Schools, make a very agreeable and useful Appearance in Life: And it is, perhaps, principally to be ascribed to the Number and Cheapness of those little Country Seminaries, that the *Scotch*, in the Article of Literature, support the Reputation of exceeding in general, any other Nation in the World. Besides the Advantage of acquiring a Knowledge of those Languages sufficient to read and examine the Writings of the Ancients, the shortest Course that can be recommended for the Attainment of any considerable Accuracy in the Knowledge even of our own Language, is by a tolerable Acquaintance with the Latin and Greek Tongues. Whoever understands those Languages, and English, will find the latter vastly augmented and enriched by Derivatives from the former, The Technical Terms, or Words of Art, are deduced almost intirely from those Fountains, as well as many others of Use, even in common Conversation. It would be an endless Piece of Work to be indebted to our Dictionaries (which by the Way are seldom to be depended upon, often unsatisfactory, and defective) for the Meaning of Words; which must always be the Case, when we are ignorant of the Languages from whence they are derived. Besides, Boys in the Study of the Languages, are employed in a Manner best suited to their Capacities. Plain Rules of Morality and History are generally the Subjects of the Books put into their

Hands. Whatever they are designed for, there can be no Danger of an Excess in their Studies of these Things, and their Progress in them principally depends upon the Memory, a Faculty of the Mind which is generally exercised the first of any others in Youth. In a Course of Grammar School Learning, they are enured to Books and Attention, in a Manner the most easy and natural. Their Capacities gradually opened—their Curiosities raised—Their Powers strengthened—their Views extended, and their Minds familiarized to Inquiry: All which must be necessary and advantageous to them in any Employment in Life, even tho' they do not enter upon collegiate Exercises in a more deep and abstruse Course of Studies. It is Dr. SWIFT who says, *“The Books read at School are full of Incitements to Virtue, and Discouragements from Vice, drawn from the wisest Reasons, the strongest Motives, and the most influencing Examples. The very Maxims set up to direct modern Education, are enough to destroy all the Seeds of Knowledge, Honour, Wisdom and Virtue among us. The current Opinion prevails, that the Study of Greek and Latin is Loss of Time.”*

SIXTHLY: It may be observed, that few, if any, of the Pupils in the Grammar School to be erected in the College, will be of an Age to admit of their living within its Walls. Their tender Years will render it necessary for them to board at private Houses in the City, for the Advantage of Nurses to exercise over them a Mother's Care, which will prevent the Masters from that narrow Inspection into their Conduct from which they cannot so well be exempted at a School in the Country, and at the same Time weaken the Support of a suitable Government in the College, where, unless the strictest Regimen is observed, the wildest Confusion and Disorder will take Place, to the absolute Ruin of the Students.

I ONLY add, that no Instance can be assigned that Grammar-School-Learning was ever a Part of the Instruction in any College or University; and I conceive, for the Reasons before offered, it would be very improper for us to begin such an unprecedented Institution. The Encouragement of County Schools, will supply our College with Students, in a Manner best suited to our Circumstances; and if we neglect them, I think one may venture to predict, that the Academy will never rise to any Considerable Fame, nor answer the general Expectations of the Province.

A.

NUMBER LI.

THURSDAY, NOVEMBER 15, 1753.

WHEN I consider, either the favourable Sentiments which the Author of the following Letter is pleased to entertain of some of my Reflections, or the Importance of the Subject he has chosen, and the masterly Manner in which he handles it, I think it would be an Injury, both to the Public and myself, to refuse it a Place in the REFLECTOR.

To the INDEPENDENT REFLECTOR.

Philadelphia, October 21, 1753.

SIR,

THO' we are unknown to each other, and my Residence is out 'the Province, for which your Papers are more particularly 'calculated, I cannot restrain my Acknowledgments to an Author 'who inspired with an amiable Disinterestedness, so industriously 'aims at the Advancement of the Honour and Happiness not only of 'his own Country, but of universal Mankind. I heartily approve of 'your Papers in general; but of those on the Subject of the College, 'I have the highest Opinion. The Method you therein pursued is 'strictly accurate, and the Scheme you proposed for its Constitution 'and Government, judicious and wholesome. I do not remember to 'have heard any Man, who has impartially considered it, advance any 'material Objection against it. Nor do I believe, from what I know 'of the State of your Province, that a more advantageous Scheme 'can possibly be recommended to a People split into such a Diversity 'of religious Opinions. Yours not only obviates the Jealousy of 'each, but effectually secures all in the lasting Enjoyment of their 'Liberties. And in this View of your Sentiments on that important 'Subject, it has been Matter of Surprize to many Gentlemen among 'us, who heartily desire to see Learning prevail in the Plantations, 'that, after the Plan you have drawn up and proposed, the Affair of 'the College should have so tardy a Progress. These Colonies have 'hitherto been too much despised by some British Politicians, whose 'Indifference has often exposed us to sundry political Disadvantages. 'The best Means for raising a Sense of our Importance, and in Con- 'sequence of it, an Attention to our provincial Interests, is, in my 'opinion, to encourage the Education of Youth in all our Prov- 'inces. The Importation of Foreigners, and our own Growth, will, 'indeed, people our Country. Our Lands may be cultivated, and our 'Commerce enlarged; but our Reputation, and even our Strength, 'will principally depend upon able Councillors, sensible Representa- 'tives, and Officers of Judgment and Penetration. But, how shall 'we preserve those Rights of which we are ignorant? How intro- 'duce Measures necessary for our general Prosperity, but with great 'Art and Address? Tho' we are entitled to all the Rights of English- 'men, we have not an equal Security with those of our Fellow Sub-

jects, who enjoy the Happiness of living under the immediate Protection of our gracious Sovereign. The Infancy of our Country, necessarily exposes us to many Defects which are not to be found in a State grown perfect and compact by Time and Experience. Our political Frame must attain its full Maturity by Steps gradual and slow. Nor shall we ever behold this happy Period, 'till we apply our Thoughts to the Consideration of our Condition, Interest and Relations. There are doubtless some Instances of Persons of that Turn among us: A few will, however, but little avail us: Their Influence will be no wider than their Sphere. Such a Spirit must become general, before the Advantages will be so; and of all the Methods we can pursue, there is none so likely to enkindle and diffuse it, as the Encouragement of Education, thereby furnishing our Colonies with Men of Sense and Literature, with enterprizing Heads, and Hearts inflamed with Patriot-Fire.

I ASSURE you, *Sir*, I am deeply affected with the Indifference which prevails among some of you in the important Undertaking of erecting a College; and I think the Opposition to your Scheme, as it retards that useful Design, a Shame to your Adversaries. Such a *Seminary* would not only be advantageous to your Province, in the View I have before considered it, but would attach to it many of our Youth. Our Academy is only intended to teach the lower Kinds of Knowledge; and, indeed, in that Respect, will, undoubtedly, be of admirable Service. But if the College of *New-York*, is established upon the free Bottom you proposed, by which all the Students, of whatever Protestant Denomination, will be received upon, and admitted to a perfect Parity of Privileges, it cannot but prosper, and invite Pupils from all our Colonies, as it will, in Reality, be preferable to the public Seminaries of all of them, each savouring more or less of religious Party. Nor has the Catholicism of your plan been less happy in obviating the Objections which the Gentlemen of the *West-Indies*, have hitherto raised against most of our Northern Colleges.

THE Contention about introducing the *English* Liturgy, tho' I profess myself a Churchman, has, in my Opinion, had more Regard paid to it, than ought to be allowed to any Thing that impedes so good a Design. You, indeed, have insisted, that no Form used by any Church in your Province should be introduced, lest a Discrimination of one Sect enkindle the Jealousy of the Rest, to the Prejudice of the College. I concur with you in Opinion, if a Form could be agreed upon free from the Objection: But you'll admit it a great Pity, that such a trifling Dispute, should retard so glorious and beneficial an Undertaking. The Form of Prayer you Proposed as a Model, tho' ingenious, will, I believe, never be consented to, because I do not suppose your Assembly will ever think proper to give themselves the Trouble of preparing a Set of Forms. In Favour of the Liturgy of the Church of *England* it is urged, that the Nation has approved it; but it must be confessed, that tho' it is very well suited to the State of a Church, it will require a considerable Alteration, to adapt it to the State of such a Seminary: The

'Forms of the *Dutch* and *French* Protestant Churches are as good, and will require less Alteration and Addition; and if it should not be thought proper to introduce them, rather the Contention about Forms should impede that noble Design, the Prayers, I think, should be left to the Discretion of the President, with the Trustees, to whom it should be committed, to draw up a Formulary, to be laid before your Legislature for their Approbation and Establishment.

'THESE, Sir, are my Sentiments of the Matter, and upon your Promise to correct them, you have Leave to give them a Place in your Paper. I hope, at your next Session, something definitive will be done in this Affair. May God inspire your Legislature with a generous Regard to the Liberties of their Countrymen, and assist them in establishing the College upon such a Foundation, as that it may continue a perpetual Blessing to your Province, and of great Utility to Mankind.

I am, &c."
A.

The Independent Reflector, the organ of Mr. Livingston's opposition to the college, ceased with its 52d number, on the 22d of November, 1753; the printer, Parker, refusing to go on with it. In the month of January following, Mr. Livingston reprinted the whole, with a long preface; and bearing on its title page "Printed until tyrannically suppressed in 1753."

Contemporary with this *Independent Reflector*, but of less note, were several publications relating to the college controversy, and turning upon the same points that Mr. Livingston professed to have in view.¹

An Act further to continue the duty of Excise and the Currency of the Bills of Credit emitted thereon, for the purposes in the former act and herein mentioned.

[Passed July 4, 1753.]

Whereas, by an act of the Governor Council and General Assembly entitled, "an act for laying an excise on all strong liquors retailed in this Colony," passed the twelfth year of her late Majesty Queen Anne, there was granted to and for the use in the said act particularly mentioned, a duty of excise on all strong liquors retailed in this colony for the term of twenty years, to determine on the first day of November, in the year one thousand seven hundred and thirty four, which by several subsequent acts has been prolonged to the year one thousand seven hundred and fifty-seven:—

And whereás, it has been the intention of the legislature for several years past, to establish a seminary within this colony, for the educa-

¹ Moore's Hist. Sketch, p. 11.

tion of youth in the liberal arts and sciences, and as at present, no other means can be devised, than by a further continuance of the aforesaid act, and the bills of credit issued thereupon, and his Excellency the Governor having been pleased to approve the intentions of the General Assembly to proceed upon that good design at this session, as signified by their votes at their last meeting;—The General Assembly therefore pray it may be enacted and,

Be it Enacted * * That the before mentioned act, entituled, [as above] * * be, remain and continue of full force and virtue, to all intents, constructions and purposes whatsoever, until the first day of November, which will be in the year of our Lord one thousand seven hundred and sixty seven.

And be it further enacted * * That the Treasurer of this colony for the time being, is hereby enabled and directed, to pay unto the trustees mentioned and appointed in and by an act passed in the twenty fifth year of his present majesty's reign entituled, "An act for vesting in Trustees the sum of three thousand four hundred and forty three pounds eighteen shillings, raised by way of lottery, for erecting a college within this colony, out of the moneys arising by the duty of excise, the annual sum of five hundred pounds, for and during the term of seven years, to commence from and after the first day of January now next ensuing, to be by them apportioned and distributed in salaries for the chief master or head of the seminary, by whatever denomination he may be hereafter called, and for such and so many other masters and officers, uses and purposes, concerning the establishment of the said seminary, as the said trustees shall from time to time in their discretions think needfull: always provided, that the whole charge and expence of the same, do not exceed the above sum of five hundred pounds a year, any thing in the acts aforesaid to the contrary notwithstanding.

And be it further enacted * * That the said Trustees, shall be and are hereby impowered to apportion and appoint the quantum of the salary's of the several masters and officers of the seminary hereby intended to be established, and to direct the payment thereof by quarterly or half yearly payments, as they in their discretion shall think most fitting and convenient.

And be it further enacted * * That the Trustees aforesaid, shall ascertain the rates which each student or scholar shall annually pay, for his or her education at the said seminary, for all of which sums they shall account with the governor or commander in chief for the time being, the council or the General Assembly when by them or any of them thereunto required, and which said sums shall be applied to and for such use or uses as shall be directed by an act or acts hereafter to be passed.¹

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[The continuation of these *Annals of the founding of King's College*, etc., may be expected in future issues of the Convocation Proceedings.]

¹ MS. Laws, in office of Secretary of State.



[Continued from Convocation Proceedings for 1868 and 1869.]

ANNALS OF PUBLIC EDUCATION IN THE STATE OF NEW YORK.*

BY DANIEL J. PRATT, A. M.,
Assistant Secretary of the Regents of the University.

LEGISLATIVE GRANTS AND FRANCHISES ENACTED FOR THE BENEFIT OF ACADEMIES.

The following is a summary of legislation from 1786 to 1873, for the pecuniary relief and benefit of academies :

GOSPEL, SCHOOL, AND LITERATURE LOTS.

1786. "*An ACT for the speedy Sale of the unappropriated Lands within this state, and for other purposes therein mentioned,*" constituted certain State officers "commissioners of the land office," under whose direction the Surveyor-General was to lay out the waste and unappropriated lands belonging to the State into townships of sixty-four thousand acres each (ten miles square), as nearly as might be, and these townships into lots of six hundred and forty acres each, and construct a map of the same; and

"XI. That in every township so laid out, or to be laid out as aforesaid, the surveyor-general shall mark one lot on the map, *gospel and schools*, and one other lot, *for promoting literature*, which lots shall be as nearly central in every township as may be; and the lots so marked shall not be sold, but the lot marked, *gospel and schools*, shall be reserved for and applied to promoting the gospel and a public school or schools in such township; and the lot marked, for promoting literature, shall be reserved to the people of this State, to be hereafter applied by the legislature for promoting literature in this state." The Southern District of the State (New York, Kings, Queens, Suffolk and Westchester counties) was excluded from the provisions of this act. 1 *Greenleaf*, p. 280.

1790. "*An ACT for the further Encouragement of Literature,*" declares, by way of preamble, that "it is the duty of a free and enlightened people to patronize and promote science and literature, as the surest basis of their liberty, property and happiness;" that the Regents of the University "have represented that Columbia College, as well as the respective academies incorporated by the said regents in pursuance of the trust reposed in them by the legislature,

* Entered according to act of Congress, in the year eighteen hundred and seventy-one, by DANIEL J. PRATT, in the office of the Librarian of Congress, at Washington.

require aid and encouragement to remove the impediments under which they labour, from a deficiency of their funds, notwithstanding the contributions of individuals"; and that it appears "to this legislature, that a proportion of the public property will be wisely and usefully employed in enabling the said regents to remove those disadvantages, and to proceed with greater energy and success in accomplishing the important office assigned to them by law, as the guardians of the education of the youth of this state."

The said act therefore authorizes the Regents to take possession of and lease out certain described lands and tenements vested in the people of this State, and to apply the rents and profits thereof "for the better advancement of science and literature in the said college, and the respective academies now incorporated or hereafter to be incorporated under their superintendence and authority within this state, and in such manner and proportion as they shall conceive will best answer the ends of their institution and the true intent and meaning of this act: Reserving so much of the said rents, issues and profits as shall be found necessary to defray the expense which shall be incurred by them in the execution of their trust."

The same act further declared that, in addition to the provision which may arise from the rents and profits of such lands, a sum of money should be applied without delay for the same object, and actually appropriated the sum of one thousand pounds to Columbia College, out of any unappropriated money in the treasury. 2 *Greenleaf*, p. 316.

1792. "*An ACT to Encourage Literature, by Donations to Columbia College, and to the several Academies in the State*," on the ground that the college had sustained serious losses in consequence of the late war, and was unable to incur such further expenses as would render it more extensively useful without pecuniary aid from the Legislature, appropriated for various wants of the college, out of any unappropriated moneys in or to be in the treasury after providing for certain specified objects, the aggregate sum of £7,900, and a further annuity of £750 for the term of five years; and a like annuity of £1,500 for five years, for the benefit of academies. 2 *Greenleaf*, p. 479.

SPECIAL LEGISLATION.

The earliest special legislation in favor of academies, during the period under consideration, seems to have been in behalf of

JOHNSTOWN ACADEMY.

1796. "*An ACT relative to certain confiscated Lands in the counties of Saratoga and Montgomery*," provided: "That all the estate,

right, title, interest, claim and demand of the people of the state of New York in and to lot number thirty-six in the village of Johnstown in the county of Montgomery, consisting of half an acre heretofore by law appropriated to and set apart for the use of a school,* be and the same is hereby vested in the trustees of Johnstown academy and their successors in trust for the only benefit and advantage of the said academy." The trustees of the academy were further authorized by the same act, to sell said lot and to buy another for the same purpose, if deemed advantageous. 3 *Greenleaf*, p. 327.

Thirty years later, a sum of money was appropriated to this academy :

1826. "AN ACT *for the Relief of Johnstown Academy. Be it enacted*," etc., "That the treasurer shall pay, on the warrant of the comptroller, to the trustees of Johnstown academy, the sum of sixteen hundred dollars: *Provided*, That before the receiving the said sum, the trustees shall give security, satisfactory to the comptroller, for the faithful application of said sum to the erection of a suitable building for the said academy, or to the repair of the present building, and to the purchase of a library and chemical apparatus, and that they will duly account for the expenditure thereof to the regents of the university." *Statutes*, p. 90.

1827. "AN ACT *to amend*" the foregoing act of 1826, authorized the investment of any unexpended balance of the appropriation, and the application of the annual interest thereof to the payment of teachers, or the purchase of a library or chemical apparatus, at the pleasure of the trustees. *Statutes*, p. 205.

OXFORD ACADEMY.

1800. "An ACT *relative to Oxford Academy*," on the representation of the Regents of the University "that Oxford Academy has been accidentally consumed by fire, and that in their opinion legislative aid would be proper for the purpose of re-building said academy," authorizes the trustees to select one of the lots reserved for promoting literature in this State, and directs the commissioners of the land office to grant "letters patent" for the same. *Statutes*, p. 237.

1821. Section VIII of "AN ACT *to divide the town of Windsor*," etc., appropriates "the annual income arising from the sale of the literature lot in the township of Fayette, in the county of Chenango,

* "Sir Wm. Johnson set apart a portion of the Kingsborough patent for the benefit of a free school. This reservation was respected by the courts of forfeiture, and trustees were appointed to take charge of the trust. The proceeds were appropriated to the use of this [Johnstown] Academy." *French's Gazetteer of the State of New York* (1860), p. 317 ; *Hough's Gazetteer* (1872), p. 312.

to the trustees of Oxford academy, for the use and benefit of said academy." *Statutes*, p. 239.

1822. The bonds and moneys received from the sale of lot No. 51, in the township of Fayette, were granted to the trustees of Oxford Academy, the principal of which was to be invested for the use and benefit of said academy. *Statutes*, p. 4.

1868. "AN ACT for the relief of the Oxford Academy," authorizes and directs the trustees of the village of Oxford to levy and collect, out of the taxable property of said village, one thousand and five hundred dollars, to pay up the indebtedness of said academy and for the improvement of the academic property. *Statutes*, p. 823.

"LITERATURE LOTTERIES, ETC., FOR THE JOINT BENEFIT OF ACADEMIES
AND COMMON SCHOOLS."

1801. "*An ACT for the encouragement of Literature*," provided that "there shall be raised, by four successive lotteries, the sum of one hundred thousand dollars, that is to say, the sum of twenty-five thousand dollars by each lottery," from the net avails of which the sum of twelve thousand five hundred dollars was to be paid to the Regents of the University, for distribution to academies, and the residue into the treasury of the State for the encouragement of common schools, in such manner as the Legislature should from time to time direct. *Statutes*, p. 158.

1814. The commissioners of the land office were directed "to sell and convey all the lands belonging to the people of this state, lying and being in the towns of Maryland and Milford, in the county of Otsego, and the sum or sums of money to be received therefor, to pay over in the following manner, the one moiety thereof to such academy or academies as the regents of the university shall or may direct, and the remaining half to the treasurer, for the benefit of common schools." *Statutes*, p. 95.

1816. "*An ACT for the sale of certain unappropriated lands in the county of Otsego*," provided for the sale of certain lands in said county, and the application of the proceeds, one-half to such academy or academies as the Regents of the University should direct, and the other half to the credit of the common school fund. The third section repealed the aforesaid act of 1813. *Statutes*, p. 86.

CAYUGA ACADEMY.

1806. By "*An ACT for the relief of the trustees of Cayuga Academy*," the commissioners of the land office were instructed to grant a certain 275 acres of land, in the township of Scipio, to the

trustees of said academy in fee simple, with the proviso that the said trustees pay the occupants of the land the value of the improvements made thereon. *Statutes*, p. 78.

1814. Lot No. 89, in the town of Cato, was granted to Cayuga Academy in the place of lot No. 36, in the town of Aurelius, which was previously granted to both Cayuga Academy and Union College, and which was held by the said college. *Statutes*, p. 79.

ORIGIN OF THE LITERATURE FUND.

1813. "*An ACT directing the sale of certain Lands for the benefit of Academies*," required the commissioners of the land office to sell, for the benefit of such academies, or to convey to such academy or academies as the Regents of the University shall direct, a certain tract of land in the town of Westford, in the county of Otsego. *Statutes*, p. 290.

1813. "*An ACT to authorize the sale of Lands appropriated for the promotion of Literature*," directed the commissioners of the land office "to cause all the land heretofore appropriated for the promotion of literature in this state, and situate in the military tract, or in either of the counties of Chenango or Broome, and now remaining unsold or not disposed of, to be surveyed and sold . . . and to vest the proceeds in such manner as they may deem best calculated to secure the principal sum, and the regular payment of the interest thereon annually; and the Regents of the University shall make such distribution of the annual income amongst the several incorporated academies of this state as in their judgment shall be just and equitable, taking into calculation all former or present endowments made by the legislature of this state, except lot number twenty-four, in the town of Ulysses, in the county of Seneca, lot number thirty-six, in the town of Aurelius, in the county of Cayuga, and lot number eighty-five, in the town of Homer,* in the county of Cortland, which lots are hereby appropriated to the support of academies in each of the said respective counties in which the said lots severally lie, to be regulated in such manner as the legislature shall hereafter direct." *Statutes*, p. 319.

POMPEY ACADEMY.

The same act provided that lot No. 15, in Camillus, Onondaga county, be granted to Pompey Academy in fee simple, and directed the trustees of said academy, "whenever they shall sell the said lot, or any part thereof, to loan the money arising from such sale on landed security to double the sum so loaned, and on the payment of any such loan, again to reloan the same forever, and appropriate the

* 1822. The trustees of Cortland Academy were authorized to sell this lot and vest the proceeds for the benefit of their academy. *Statutes*, p. 8.

interest arising from such loans forever to the support and maintenance of instruction in said academy." *Statutes*, p. 319.

1814. The Supervisors of Seneca county were directed by law to take possession of lot No. 24, in the town of Ulysses, and to lease the same for the term of five years, for the support of academies in the said county, in such manner as the legislature should thereafter direct. *Statutes*, p. 74.

ERASMUS HALL ACADEMY.

1814. "An ACT *relative to Erasmus Hall*" provided, that "whereas, difficulties exist respecting the distribution of the school money in the town of Flatbush, in Kings county: therefore, . . . the school money granted from time to time to that part of the town of Flatbush, . . . commonly called the Old Town, . . . be paid . . . to the trustees of the academy of Erasmus Hall, . . . to be applied to the education of . . . poor children belonging to the said old town, and sent to the said academy, and who in the opinion of the said trustees shall be entitled to gratuitous education."

This act further provided that the trustees of said academy should account to the school commissioners of the town for the faithful application of the money, and report annually as to the number and progress of the children so instructed. *Statutes*, p. 91; *do.* 1827, 50th sess., p. 336.

ONONDAGA ACADEMY.

1814. "An ACT *for the Payment of certain Officers of Government and for other purposes*," granted lot No. 9, less fifty acres, in the town of Lysander, Onondaga county, to the trustees of Onondaga Academy in fee simple. *Statutes*, p. 253.

1825. "AN ACT *for the relief of the Trustees of the Onondaga Academy*," granted lot No. 100 in the town of Lysander, less fifty acres, to the said trustees in fee simple, and directed that an appraisal of lots Nos. 9 and 100 be made, and that the amount of the appraised value of lot No. 100, in excess of the value of No. 9, be paid to the said trustees on the warrant of the comptroller; the interest arising therefrom to be applied for defraying the expenses of instruction, and for no other purpose whatever. *Statutes*, p. 353.

Chapter 429 of the Laws of 1859 (p. 972) provided that this fund might be applied to payment of debt on new building.

ST. LAWRENCE ACADEMY.

1816. The commissioners of the land office were directed to issue letters patent conveying lot No. 56, in the town of Potsdam, to the

trustees of St. Lawrence Academy, in fee simple, with the proviso that no lease of said lot shall be for a term of more than thirty-one years, and that the avails "be appropriated for the payment of wages of the tutors in the said academy and for no other purpose." *Statutes*, p. 161.

1825. "AN ACT *for the relief of the Trustees of the St. Lawrence Academy*" authorized the commissioners of the land office "to sell, on the usual terms of selling public lands, such lot or lots reserved for literary purposes, and not otherwise appropriated to the literature fund, or otherwise, as may be sufficient to raise the sum of twenty-five hundred dollars, and to pay the same to the trustees of the St. Lawrence academy, for the use of that institution: *Provided*, That the comptroller, before drawing his warrant for the payment of such money, shall be satisfied that the said trustees of the said academy shall have erected and completed, on ground owned by them in fee, and free from incumbrance, a substantial brick or stone building for an academy, of the value of at least three thousand dollars." *Statutes*, p. 170.

1825. The commissioners of highways of the town of Potsdam were authorized to convey part of the public square to the trustees of St. Lawrence Academy. *Statutes*, p. 383.

1826. "AN ACT *to carry into effect the Provisions of an act for the Relief of the Trustees of St. Lawrence Academy, passed April 9, 1825*," directs that "there shall be paid by the treasurer, on the warrant of the comptroller, to said trustees or their treasurer, the sum of twenty-five hundred dollars for the use of said institution, which said sum of money is hereby declared to be an advance for and in lieu of the sum of twenty-five hundred dollars, mentioned in the act, entitled [as above described], and the said sum directed to be raised by the act last mentioned, shall be raised in the manner therein mentioned, or in such other manner as the legislature shall hereafter prescribe, and become a part of the general fund of the state, as a reimbursement for the sum by this act authorised to be paid to the said trustees or their treasurer: *Provided however*, . . . that the said trustees shall repay to the people of this state, such part of the said twenty-five hundred dollars as the said fund shall not be sufficient to repay, together with lawful interest from the time the said trustees shall receive the same." *Statutes*, p. 82.

1828. "The Trustees of St. Lawrence academy are hereby authorised to sell, in whole or in part, and convey in fee simple or otherwise, the lot of land granted by the act hereby amended [that of 1816, above referred to], and to invest the avails of said land in a permanent fund, the annual income of which shall be appropriated for the payment of the wages of the tutors in the said academy, and for no other purpose." *Statutes*, p. 208.

1841. The Comptroller was authorized to loan to the Trustees of the St. Lawrence Academy, two thousand dollars out of the capital

of the common school fund, for a term of ten years, at seven per cent, on a mortgage of academic property, and an insurance policy as collateral security. Any unpaid interest might be deducted from the distributive share of the literature fund. *Statutes*, p. 63.

1849. "AN ACT *appropriating the revenues of the Literature and United States deposit fund*," contains the following, among other appropriations to colleges and academies: "To the St. Lawrence Academy, two thousand dollars." *Statutes*, p. 433.

1851. "AN ACT *making an appropriation for the St. Lawrence Academy, discharging a mortgage upon its academy buildings held by this state, on which is due an arrearage of interest*," appropriates out of any moneys not otherwise appropriated "four hundred and seventy-three dollars and nineteen cents, . . . in full satisfaction and discharge of a mortgage held by the state upon the academy buildings of the St. Lawrence Academy, and belonging to the common school fund, which moneys hereby appropriated shall be paid into the common school fund." *Statutes*, p. 967.

1857. "AN ACT *for the relief of the St. Lawrence Academy*."

* * * * * * *

"The board of supervisors of the county of St. Lawrence are hereby authorised and required at their next annual meeting, to cause to be raised, levied, and collected by tax upon the inhabitants of the town of Potsdam, in said county, in the same manner in which the other taxes of the said town shall be raised and collected, the sum of fifteen hundred dollars, and when collected, to be paid over to the treasurer of St. Lawrence academy, for the use of said institution, for refitting and improving the buildings and premises of said academy." *Statutes*, p. 20.

STATUTES INCORPORATING ACADEMIES.

1817. The first legislative act incorporating an academical institution, viz., the Clinton Grammar School, was passed March 28, 1817; prior to which time the Regents of the University had incorporated forty academies, under the authority vested in that Board by the Legislature.

The following copy of the act above referred to will serve as a specimen of numerous statutes subsequently enacted for similar purposes :

CLINTON GRAMMAR SCHOOL.

1817. "AN ACT *to incorporate the Clinton grammar school*."

"WHEREAS Salmon Butler and others have, by their petition, represented to the legislature, that they have associated together and erected a building in the town of Paris and county of Oneida, for the use of a grammar school, and have prayed for an act of incorporation—Therefore,

I. *BE it enacted* [etc.], That Asahel S. Norton, Joel Bristol, Jesse Curtis, Seth Hastings, junior, and Isaac Williams, and their successors in office; be and they are hereby constituted and declared to be a body politic and corporate, in fact and in name, by the name of the trustees of the Clinton grammar school, and by that name they and their successors shall and may forever hereafter have continual succession, and be capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits and causes whatsoever; and may have a common seal, and change the same at pleasure; and may hold, receive, purchase, have and possess real and personal estate, and at pleasure sell and dispose of the same, for the sole and only use of the said grammar school.

II. *And be it further enacted*, That there shall be five trustees to manage the concerns of said corporation, any three of whom shall be a quorum for the transaction of business; and that the five persons last aforesaid named, shall continue trustees until others are chosen in their stead; and that when any vacancy or vacancies shall happen in the office of trustees, by death, resignation or removal from the town of Paris aforesaid, such vacancy or vacancies shall be supplied by appointment of some person or persons residing in said town, under the hands of the remaining trustees and their corporate seal.

III. *And be it further enacted*, That the said trustees and their successors shall have power to appoint such and so many officers, instructors and agents, as they, or a majority of them, may think proper, for the conducting and managing the school, property and concerns of the said corporation, and to make all such by-laws, rules and regulations as they or a majority of them may think proper for the well ordering of the same, and for the election of trustees, by the persons who have contributed, or may contribute, towards the funds and property of said corporation: *Provided however*, That such by-laws, rules and regulations, shall not be inconsistent with the intent of this act, the constitution and laws of this state or of the United States: *And provided further*, That the legislature may, at any time, add to, alter and amend the provisions of this act." *Statutes*, p. 110.

"AN ACT to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb," passed April 15, 1817, concludes with this section:

"VI. *And be it further enacted*, That this act be and is hereby declared a public act, and that the same be construed in all courts and places benignly and favorably, for every humane and benevolent purpose. *Statutes*, p. 306.

1819. "AN ACT to incorporate a Female Academy in the village of Waterford," includes the following section:

"VII. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose hereby intended, nor shall

any non user of the privileges granted hereby to the said corporation create or produce any forfeiture of the same, and no misnomer of the said corporation,* in any deed, will or testament, grant, gift, demise, or other instrument, contract or conveyance, shall defeat or vitiate the same: *Provided* the corporation be sufficiently described to ascertain the intention of the parties. *Statutes*, p. 61.

From the years 1819 to 1830 inclusive, forty-one Academies and similar institutions of learning were incorporated by the Legislature, and twenty-eight of these acts of incorporation are expressly declared to be public acts, generally in the precise language of the section last quoted above. The names of these twenty-nine institutions are:

- 1819. WATERFORD FEMALE ACADEMY.
- 1820. CATSKILL FEMALE SEMINARY. *Statutes*, p. 87.
- 1820. MOUNT PLEASANT ACADEMY. *Statutes*, p. 90.
- 1821. ALBANY FEMALE ACADEMY. *Statutes*, p. 43.
- 1822. NEWTOWN FEMALE ACADEMY. *Statutes*, p. 59.
- 1822. COOPERSTOWN FEMALE ACADEMY. *Statutes*, p. 178.
- 1823. ITHACA ACADEMY. *Statutes*, p. 93.
- 1823. REDHOOK ACADEMY. *Statutes*, p. 413.
- 1824. KINDERHOOK ACADEMY. *Statutes*, p. 169.
- 1824. JEFFERSON ACADEMY. *Statutes*, p. 378.
- 1825. SEMINARY OF THE GENESEE CONFERENCE (since ONEIDA CONFERENCE, and now CENTRAL N. Y. CONFERENCE SEMINARY). *Statutes*, p. 125.
- 1825. ONTARIO FEMALE SEMINARY. *Statutes*, p. 239.
- 1826. BRIDGEWATER ACADEMY. *Statutes*, p. 96.
- 1826. BEDFORD ACADEMY. *Statutes*, p. 101.
- 1826. CANAJOHARIE ACADEMY. *Statutes*, p. 155.
- 1826. RENSSELAER OSWEGO (now MEXICO) ACADEMY. *Statutes*, p. 158.
- 1826. OVID ACADEMY. *Statutes*, p. 164.
- 1827. LIVINGSTON COUNTY HIGH SCHOOL (now GENESEO ACADEMY). *Statutes*, p. 50.
- 1827. SPRINGVILLE ACADEMY (now GRIFFITH INSTITUTE). *Statutes*, p. 66.
- 1827. GAINES ACADEMY. *Statutes*, p. 300.
- 1827. FLUSHING INSTITUTE. *Statutes*, p. 360.
- 1827. BUFFALO HIGH SCHOOL ASSOCIATION. *Statutes*, p. 369.
- 1828. ALBANY FEMALE SEMINARY. *Statutes*, p. 221.
- 1828. ROCHESTER INSTITUTE OF GENERAL EDUCATION. *Statutes*, p. 375.

* So spelled in the Statute.

1828. WHITE PLAINS ACADEMY. *Statutes*, p. 377.

1829. PALMYRA HIGH SCHOOL. *Statutes*, p. 157.

1829. BROOKLYN COLLEGIATE INSTITUTE FOR YOUNG LADIES. *Statutes*, p. 344.

1830. ONTARIO HIGH SCHOOL. *Statutes*, p. 119.

The Revised Statutes, which went into full effect in 1830, made general provisions applicable to all corporations, and a clause referring to these provisions occurs in many of the subsequent acts incorporating academies, seemingly in place of the disused section "That this act be and hereby is declared a public act," etc.; as above cited.

LOWVILLE ACADEMY.

1818. One of the lots, of 640 acres, reserved by law within the ten townships located on the St. Lawrence, was directed to be granted by letters patent to the trustees of Lowville Academy; and it was made the duty of the trustees to apply the interest arising from the sale thereof in the manner stated above with reference to Pompey Academy, in 1813, (investing the principal, and applying the income to the maintenance of instruction). *Statutes*, p. 123.

1824. "AN ACT *for the relief of the Trustees of the Lowville Academy*," authorized the commissioners of the land office to sell lots reserved for literary purposes "sufficient to raise the sum of three thousand dollars, and to pay the same to the Trustees of the Lowville academy, for the use of that institution: *Provided*, that the comptroller, before drawing his said warrant, shall be satisfied that the said trustees shall have erected and completed, on ground owned by them in fee and free of incumbrance, a substantial brick or stone building for an academy, of the value of at least eight thousand dollars." (This provision was also enacted a year later, in the case of the St. Lawrence Academy, above cited, p. 211.) *Statutes*, p. 336.

1828. "AN ACT *for the relief of Lowville Academy*," authorized the trustees "to apply the whole avails of lot number fifty-six, in the town of Canton, in the county of St. Lawrence, to the payment of the debts owing by them, and which were contracted by them for the erection and completion of their academic buildings, notwithstanding any condition in the act granting the aforesaid lot to the use of the said academy." *Statutes*, p. 43.

1836. "AN ACT *to provide for the rebuilding of the Lowville Academy*" directs that "the treasurer, on the warrant of the comptroller, shall, out of any money in the treasury belonging to the capital of the common school fund, pay the sum of two thousand dollars to the trustees of the Lowville academy, in the town of Lowville, in the county of Lewis, to be by them expended in the rebuilding of the

principal building belonging to said academy; which said sum of two thousand dollars shall be charged in the books of the comptroller as a debt due from the said town of Lowville to this state, with interest thereon at the rate of six per cent per annum; and the said debt shall belong to the common school fund."

The act further authorizes and requires the supervisors of Lewis county, at their annual meeting in each year, for five years, "to cause to be levied and collected from the taxable inhabitants of the aforesaid town of Lowville, over and above all expenses of collecting the same, the sum of five hundred dollars, and the interest at the rate aforesaid, which may be due on the first day of February then next ensuing, upon so much of the principal sum of two thousand dollars as shall then remain unpaid; . . . and, when so collected, one hundred dollars thereof shall be paid to the trustees of the said Lowville academy, for the purposes aforesaid; and the residue thereof shall be paid over to the treasurer of the said county of Lewis," . . . who shall "pay the same into the treasury of this state; and, upon such payment being made, the same shall be an extinguishment of so much of the said debt so as aforesaid charged to the said town of Lowville." *Statutes*, p. 82.

1841. The provisions of the above act were extended as to time. *Statutes*, p. 249.

WASHINGTON ACADEMY.

1819. "AN ACT for the Relief of the Trustees of the Washington Academy." This act recites that "the trustees of Washington Academy, situate in the town of Salem, in the county of Washington, have sustained heavy losses, by having two edifices, together with the apparatus and libraries belonging thereto, destroyed by fire."

The act, therefore, appropriates to said trustees, "out of any moneys not otherwise appropriated, three thousand dollars, for the purpose of enabling them to rebuild said academy, and also to supply the same with suitable apparatus and library;" for the faithful discharge of which trust they are to account to the comptroller. *Statutes*, p. 62.

MONTGOMERY ACADEMY.

1819. "AN ACT to enable the trustees of the Montgomery Academy to erect a new building," granted to the trustees of Montgomery Academy the quit-rents, including the commutation for future quit-rents, on sundry patents containing an aggregate of 19,000 acres of land; but no direction is given in the body of the act as to the manner in which the proceeds are to be applied. *Statutes*, p. 149.

1822. "AN ACT for the relief of the Trustees of Montgomery Academy" appropriates \$737.82 to the trustees, in full satisfaction of

their claims (for quit-rents) under the above act of 1819. *Statutes*, p. 43.

1827. "The trustees of Montgomery Academy, in the town of Montgomery, and their successors in office, shall be the trustees of school district number seven in said town," * * * *Statutes*, 50th sess., p. 336.

DELAWARE ACADEMY.

1819. "AN ACT *concerning an Academy in the county of Delaware*," provided that the sum of six thousand dollars, paid into the treasury of this State, from the proceeds of a tract of land forfeited by attainder, be appropriated to the Regents of the University, to be by them applied toward the endowment of an academy in the village of Delhi, Delaware county. *Statutes*, p. 218.

1821. The "Supply Bill" appropriated \$681, in lieu of quit-rents supposed to be due on the George Murray patent of 4,000 acres, "from which the said patent had been totally discharged by reason of a former confiscation and sale." *Statutes*, p. 266.

1849. "The treasurer shall pay, on the warrant of the comptroller,
1. To the Delaware academy, for each of the years one thousand eight hundred and forty-nine and one thousand eight hundred and fifty, the sum of two hundred and eighty-nine dollars and fifty cents, being the interest, at six per centum, on four thousand, eight hundred and twenty-five dollars of state stock held by the comptroller, in trust for said academy, being part of an appropriation for said academy, by chapter one hundred and seventy, of the laws of one thousand eight hundred and nineteen." *Statutes*, p. 433.

1851. This provision was renewed for the years 1850 and 1851. *Statutes*, p. 992.

INCREASE OF THE LITERATURE AND COMMON SCHOOL FUNDS.*

1819. "AN ACT *concerning Quit-Rents, and to increase the Literature and School Funds, respectively*," provided, "That one moiety of all the quit-rents, and commutation for future quit-rents, which may be received into the treasury, shall be and the same are hereby appropriated to the increase of the literature fund; and the other moiety thereof to the further increase of the school fund; . . . the one moiety thereof in the name of the regents of the university, to be held in trust by them for the promotion of literature; and the other moiety thereof in the name of the comptroller of this state, for the time being, to be held in trust by him for the benefit of the school fund; * * * *Statutes*, p. 298.

* For a report made by the Regents of the University, April 2, 1819, showing the funds and revenues of the Regents at that date, and the "fund for the promotion of literature" created by the Statue of 1813, see *Senate Journal*, 42d session, 1819, pp. 245-247.

1827. "AN ACT *to provide permanent funds for the annual appropriation to Common Schools, to increase the Literature Fund, and to Promote the Education of Teachers,*" directs, in regard to the increase of the Literature Fund, "that the comptroller be and he is hereby authorised to receive any bonds and mortgages taken, or that shall hereafter be taken, on the sale of any lands belonging to canal fund, to the amount of one hundred and fifty thousand dollars, in payment for so much of the canal stock owned by this state, belonging to the general fund, and thereupon to cancel and discharge the like amount of the said canal stock, and the bonds and mortgages when so received, and the sum of one hundred and fifty thousand dollars of the said canal stock, until the said bonds and mortgages are received, shall be appropriated and transferred to the literature fund of this state, and the income thereof shall be subject to the control of the regents of the university, upon condition or in addition to any other condition the regents may prescribe, that the said regents shall annually distribute the whole income arising from the fund now under their control, as well as that hereby added, among the incorporated academies and seminaries of this state, other than colleges, which are subject to the visitation of the said regents." * * *

Statutes, p. 237.

1830, 1831, 1832. Certain transfers of stocks were directed to be made, not materially affecting the status of the Literature Fund. *Statutes*, 1830, p. 207; 1831, p. 350; 1832, p. 510.

1832. "AN ACT *for the improvement of the Literature Fund,*" directs that "the regents of the university shall, within sixty days after the passage of this act, transfer to the comptroller all the stock, money, securities and property belonging to the literature fund in their possession, or under their control;" and, further, provides for the application of the income arising from said fund to the same general purposes as before. *Statutes*, p. 10.

FARMERS' HALL ACADEMY.

1822. The Trustees of Farmers' Hall Academy, in the village of Goshen, were constituted the trustees of the common school district comprising the said village, provided, the consent of a majority of the taxable inhabitants of the district should be obtained, for the term of six years only, unless by renewal of such consent for the same period, from time to time. *Statutes*, p. 196.

OYSTER BAY ACADEMY.

1823. By a like provision of law, the trustees of Oyster Bay Academy were conditionally made the trustees of the local common school. *Statutes*, p. 170.

MIDDLEBURY ACADEMY.

1823. The commissioners of the land office were authorized to raise one thousand dollars for the benefit of the Middlebury Academy, from the sale of lots reserved for literary purposes. *Statutes*, p. 45.

1826. The sum of \$1,000 was appropriated in advance for and in lieu of that provided for in 1823, the said trustees being required to give a penal bond to make up any deficiency in the amount raised by the sale of lots reserved for literary purposes. *Statutes*, p. 177.

MOUNT PLEASANT ACADEMY.

1824. "AN ACT *for the benefit of the Mount Pleasant Academy*," directed the comptroller to grant to the trustees of said academy a certain bond and mortgage, with all the rights appertaining to the people of the State of New York thereto. *Statutes*, p. 330.

RED HOOK ACADEMY.

1824. "AN ACT *making an appropriation for the Red Hook Academy*" granted \$1,000, to be raised from the sale of lots reserved for the literature fund, to the trustees of the Red Hook academy, for apparatus, library, etc.; for the faithful discharge of which trust, the said trustees were to account to the comptroller. *Statutes*, p. 375.

FREDONIA ACADEMY.

1825. "AN ACT *for the Relief of Fredonia Academy*," granted an annuity of \$350 for five years, to be applied "towards the payment of a salary to a competent preceptor of said academy;" and provided "that the trustees shall annually report and account to the regents of the university for the application of the said monies." *Statutes*, p. 349.

AUBURN ACADEMY.

1825. Letters patent were directed to be issued to the trustees of the Auburn Academy, for lot No. 88, less fifty acres, in the township of Sterling. *Statutes*, p. 387.

1826. The sum of \$1,002 was appropriated in exchange for the above lot. *Statutes*, p. 100.

ITHACA ACADEMY.

1825. The treasurers of Seneca and Tompkins counties were authorized to sell lot No. 24, in the town of Ulysses, and apply one-half the proceeds to Ithaca Academy, and to preserve one-half for the benefit of such academy in Seneca county as the legislature should thereafter direct. *Statutes*, p. 428.

LEWISTON ACADEMY.

1826. "AN ACT *relative to the Ferry on the Niagara River, at Lewiston,*" directed the commissioners of the land office to lease the said ferry and lot appertaining thereto, for a term of ten years, to the trustees of Lewiston Academy, for the sole use and benefit of said academy. *Statutes*, p. 301.

1833, 1843. The above lease was renewed for the term of ten years from each of the foregoing dates. *Statutes*, 1833, p. 114; 1843, p. 89.

MEXICO (formerly RENSSELAER OSWEGO) ACADEMY.

1828. "AN ACT relative to the Rensselaer Oswego Academy," declares that "the site of the Rensselaer Oswego Academy is hereby located on a lot of land in the town of Mexico, in the county of Oswego, which was conveyed on the twentieth day of March, one thousand eight hundred and twenty-two, by Roswell L. Colt, to Dennis Peck, Leonard Ames, and William S. Fitch, trustees of school district number five, in said town of Mexico." *Statutes*, p. 124.

1829. "It shall and may be lawful for the trustees, for the time being, of school district number five, in the town of Mexico, in the county of Oswego, to convey by a good and sufficient deed of conveyance, to the trustees of the Rensselaer Oswego academy, or their successors in office, the land which was conveyed (as stated in the act of 1828), together with all and singular the buildings, appurtenances and privileges to the same belonging or in any wise appertaining." *Statutes*, p. 83.

1856. "AN ACT *authorizing the Comptroller to loan money to the Mexico Academy, and for other purposes,*" allowed the inhabitants of the town of Mexico, at a town meeting, to vote for or against the proposed loan; and in case of a majority vote in favor of such loan, "the comptroller is hereby authorized to loan to the trustees of the said Mexico academy, from the capital of the common school fund, a sum of money not to exceed the sum of one thousand five hundred dollars, to be paid in three annual installments, next following the making of such loan, with interest annually upon the whole sum remaining unpaid; and such loan, when made, shall be a debt of the said town of Mexico, to be assessed, levied and collected on the taxable property of said town, as hereinafter provided." * * * *Statutes*, p. 171.

FRANKLIN ACADEMY (Prattsburgh).

1828. "AN ACT for the Relief of Franklin Academy."

"The treasurer shall pay, on the warrant of the comptroller, to the trustees of the Franklin Academy, in the county of Steuben, the sum of two thousand dollars, out of the first money that shall be received into the treasury on account of the debt due the people of this state

from George McClure; the said sum to be applied by the said trustees to the purchase of philosophical apparatus, and a library suitable for the said academy; but this act shall not entitle the said trustees to any money out of the treasury, unless it shall be received from the debt above mentioned." *Statutes*, p. 298.

OGDENSBURGH ACADEMY.

1833. AN ACT *authorising the board of supervisors of the county of St. Lawrence to lay a tax on the town of Oswegatchie, to be invested in an academy and lot, and for other purposes*," appoints "commissioners for expending and laying out the monies raised and appropriated by this act;" directs that "the money now in the hands of the supervisor and poor-masters of the town of Oswegatchie, or the securities therefor, shall be paid or delivered over into the hands of the [said] commissioners;" and provides for levying and collecting upon the taxable property of said town, such sum as, with the sum to be received from the said supervisor and poor-masters, shall amount to two thousand dollars: *Provided*, that the inhabitants of the village of Ogdensburgh shall first have raised, by subscription or otherwise, the sum of two thousand dollars for the same purpose. The said moneys are further directed to be applied to the purchase of a lot, and the purchase or erection of suitable buildings for an academy, etc., including a room for public meetings of the inhabitants; and certain town and village officers are made trustees, *ex officio*, of such academy. It is also directed, among other things, that the amount of said \$2,000⁰⁰ tax for each school district of the town be ascertained, and that the inhabitants of each school district of said town, outside of the village of Ogdensburgh, "shall annually be entitled to a credit on the tuition of any scholars from such district, attending any course of instruction in the said academy during the said year, to the amount of the interest on the sum so determined to have been paid or to belong to the said district." *Statutes*, p. 353.

1834. "AN ACT *in addition to an act entitled*" (as above), authorizes certain *ex officio* trustees of the Ogdensburgh Academy, for the term of ten years, to grant licenses to keep a ferry across the St. Lawrence river, the net rents, profits and income of which shall inure to and belong to the said Ogdensburgh Academy. *Statutes*, p. 220.

1844. The foregoing franchise was renewed for the term of ten years. *Statutes*, p. 53.

CANTON ACADEMY.

1835. "AN ACT *authorising the supervisors of the county of St. Lawrence to levy a tax for the benefit of a classical school in the*

town of Canton, heretofore known as the Canton Academy," provided for raising the sum of five hundred dollars, to be securely invested, and the interest to be applied to the support of said classical school. *Statutes*, p. 282.

1837. Renewed, as to amount, for each of three successive years, provided an amount equal to the whole sum raised by taxation shall have been raised by individuals for the same object, or the income of such sum shall have been secured for a term of at least twenty years. *Statutes*, p. 139.

1842. The act of 1837 was amended and renewed so far as to allow the last five hundred dollars to be collected during two then subsequent years, and "to be applied in payment of debts incurred by Canton Academy, for the erection of academic buildings." *Statutes*, p. 367.

DISTRIBUTION OF THE LITERATURE FUND.

1834. "AN ACT *relating to the distribution and application of the revenues of the literature fund.*"

§ 1. There shall be twelve thousand dollars of the revenues of the literature fund annually distributed, by the regents of the university, to the academies and schools which now are or hereafter may be subject to the visitation of the regents, in the manner now provided by law; which moneys shall be exclusively appropriated and expended by the trustees of such academies and schools respectively, towards paying the salaries of tutors.

§ 2. Any portion of the excess of the literature fund over the sum of twelve thousand dollars, may, in the discretion of the regents, be assigned to any academy or school subject to their visitation, and subject to such rules and regulations as they may prescribe, for the purchase of text books, maps and globes, or philosophical or chemical apparatus; such sum shall not exceed two hundred and fifty dollars in any one year. But no part of the said excess shall be actually paid over, unless the trustees of the academy or school to which it is to be appropriated shall raise and apply an equal sum of money to the same object. *Statutes*, p. 176.

§ 3. The fifty-fourth section of chapter fifteen of title one of the first part of the Revised Statutes, is hereby repealed. [The section thus repealed was: "Any college or academy now incorporated, and exempt from the visitation of the regents, may subject itself to such visitation, by a resolution, to be approved and signed by a majority of its trustees, and attested by the seal of the corporation; and every such resolution, when received by the regents, shall be unalterable, unless with the consent of the regents." 1 *R. S.*, p. 164.]

EDUCATION OF COMMON SCHOOL TEACHERS.

1834. "AN ACT *concerning the Literature Fund*," directs :

§ 1. The revenue of the literature fund now in the treasury, and the excess of the annual revenue of said fund hereafter to be paid into the treasury, over the sum of twelve thousand dollars, or portions thereof, may be distributed by the regents of the university, if they shall deem it expedient, to the academies subject to their visitation, or a portion of them, to be expended as hereinafter mentioned.

§ 2. The trustees of academies to which any distribution of money shall be made by virtue of this act, shall cause the same to be expended in educating teachers of common schools, in such manner and under such regulations as said regents shall prescribe. *Statutes*, p. 425.

1849. "AN ACT *making appropriations for the support of common schools for the years 1849 and 1850*," provides, among other things :

§ 2. The treasurer shall pay on the warrant of the comptroller out of the income of the United States deposite or Literature Funds, not otherwise appropriated to the trustees of one or more academies, as the regents of the university shall designate, in each county in this state, the sum of two hundred and fifty dollars per year for the years one thousand eight hundred and fifty and one thousand eight hundred and fifty-one; provided such academy or academies shall have instructed in the science of common school teaching, for at least four months during each of said years at least twenty individuals, but no such one county shall receive a larger sum than two hundred and fifty dollars. *Statutes*, p. 236.

FRANKLIN ACADEMY (Malone).

1836. "AN ACT *to provide for the rebuilding of the Franklin academy*," authorized the comptroller to loan out of the capital of the common school fund, "the sum of two thousand dollars to the trustees of the Franklin academy, in the town of Malone, in the county of Franklin, to be by them expended in the rebuilding of the academy buildings on the academy lot in said town; which said sum of two thousand dollars shall be charged in the books of the comptroller as a debt due from said town of Malone to this state, with interest thereon at the rate of six per cent per annum; and the said debt shall belong to the common school fund." To meet this indebtedness, the supervisors of said county were required to levy a tax, for each of four successive years, on the taxable inhabitants of said town of Malone, equal to one-fourth of the whole debt, including interest, etc. (See a similar act in relation to Lowville Academy, *ante*, p. 215.) *Statutes*, p. 32.

1857. "AN ACT *to authorize a loan to the trustees of Franklin Academy, at Malone, Franklin county*," authorized the comptroller to loan to said trustees, at seven per cent interest, "out of the capi-

tal of the common school fund, to be paid in six equal annual instalments, the sum of twelve hundred dollars, on the execution, by such trustees, of a bond and mortgage on their real property, as the comptroller shall deem ample security, or the deposit of such other security as the comptroller shall deem sufficient." A satisfactory policy of insurance on the academy buildings, duly assigned, was also required as further security. *Statutes*, vol. 2, p. 403.

SANDY HILL ACADEMY.

1836. "AN ACT *to provide for the building of an academy or high school in the village of Sandy Hill*," authorized the levying a tax upon the said village not exceeding three thousand dollars, for this purpose. *Statutes*, p. 790.

FURTHER INCREASE OF LITERATURE AND COMMON SCHOOL FUNDS, FROM THE U. S. DEPOSIT FUND.

1838. "AN ACT *to appropriate the income of the United States deposite fund to the purposes of education and the diffusion of knowledge*," directs that the sum of one hundred and ten thousand dollars be annually distributed from that fund to the common schools; the sum of fifty-five thousand dollars annually for the purchase of district libraries, for the term of three years, and thereafter for either libraries or teachers' wages, in the discretion of the inhabitants of each district; six thousand dollars each, annually, for five years, and until otherwise directed by law, to Geneva College, and the University of the City of New York, for the payment of professors and teachers; three thousand dollars annually for the same period and purpose, to Hamilton college; and twenty-eight thousand dollars annually "to the literature fund, which, together with the sum of twelve thousand dollars of the present literature fund, shall be annually distributed among the academies in the several senatorial districts by the regents of the university, in the manner now provided by law. But no academy shall hereafter be allowed to participate in the annual distribution of the literature fund, until the regents of the university shall be satisfied that a proper building has been erected and finished to furnish suitable and necessary accommodation for such school, and that such academy is furnished with a suitable library and philosophical apparatus, and that a proper preceptor has been and is employed for the instruction of the pupils at such academy:" And further, that the regents shall, on being satisfied that such building, library and apparatus are sufficient for the purposes intended, and that the whole is of the value at least of twenty-five hundred dollars, permit such academy or school to place itself under the visitation of the regents, and thereafter to share in the

distribution of the moneys above mentioned, or any other of the literature fund in the manner now provided by law. The regents of the university may also admit to such distribution and to any other of the literature fund, any incorporated school, or school founded and governed by any literary corporation other than theological or medical, in which the usual academic studies are pursued, and which shall have been in like manner subjected to their visitation, and would in all other respects, were it incorporated as an academy, be entitled to such distribution.

“§ 9. It shall be the duty of the regents of the university to require of every academy receiving a distributive share of public money under the preceding section equal to seven hundred dollars per annum, to establish and maintain in such academy a department for the instruction of common school teachers, under the direction of the said regents, as a condition of receiving the distributive share of every such academy.”

The residue of the income of the said U. S. deposit fund not otherwise appropriated was to be annually added to the capital of the common school fund. . * * * *Statutes*, p. 220.

1851. “AN ACT *appropriating the revenues of the Literature and United States Deposit Funds*,” provides :

§ 1. There shall be paid annually, by the treasurer, on the warrant of the comptroller, out of the revenues derived from the literature fund, to the several academies under the supervision of the regents of the university, the sum of twelve thousand dollars, and the further sum of twenty-eight thousand dollars from the income of the United States deposit fund, being in all forty thousand dollars, according to an apportionment to be made by the regents among the said academies, in proportion to the number of pupils in each who shall have pursued the requisite studies to enable them to share in said distribution ; there shall be paid to the Delaware academy in each of the years 1851 and 1852, the sum of two hundred and eighty-nine dollars and fifty cents, being the interest at six per cent, on four thousand eight hundred and twenty-five dollars of state stock held by the comptroller in trust for said academy, being part of an appropriation for said academy, by chap. 170, of the laws of 1819. * * * *

§ 3. There shall be paid by the treasurer, on the warrant of the comptroller, out of the income of the literature fund, to the regents of the university, three thousand dollars annually, to be assigned by them to such academies, subject to their visitation, for the purchase of text books, maps and globes, or philosophical or chemical apparatus, as may apply for a part of the money for that purpose, on the terms prescribed in the second section of chapter one hundred and forty of the laws of one thousand eight hundred and thirty-four.

* * * *

§ 4. The treasurer shall pay yearly, on the warrant of the comptroller, out of the income of the United States deposit or literature

fund, not otherwise appropriated, to the trustees of one or more academies in each county of the state, as the regents of the university shall designate, the sum of twelve dollars and fifty cents for each scholar who shall have been instructed in such academy during at least four full calendar months in the science of common school teaching. *Statutes*, p. 992.

HUDSON ACADEMY.

1838. "AN ACT *for the relief of the Hudson Academy*," provides that "the comptroller of this State is hereby authorized to cancel the bond of five hundred dollars, with interest thereon, held by the people of this state, against the Hudson Academy, bearing date third March, one thousand eight hundred and thirteen." *Statutes*, p. 268.

PROVISIONS RELATIVE TO TRUST FUNDS.

1840. "AN ACT *authorizing certain trusts*," provides :

§ 1. Real and personal property may be granted and conveyed to any incorporated college or other literary incorporated institution in this state, to be held in trust for either of the following purposes :

1. To establish and maintain an observatory.
2. To found and maintain professorships and scholarships.
3. To provide and keep in repair a place for the burial of the dead ; or
4. For any other specific purposes comprehended in the general objects authorized by their respective charters. The said trusts may be created, subject to such conditions and visitations as may be prescribed by the grantor or donor, and agreed to by said trustees ; and all property which shall hereafter be granted to any incorporated college or other literary incorporated institution in trust for either of the aforesaid purposes, may be held by such college or institution upon such trusts, and subject to such conditions and visitations as may be prescribed and agreed to as aforesaid.

§ 2. Real and personal estate may be granted and conveyed to the corporation of any city or village of this state, to be held in trust for any purpose of education, or the diffusion of knowledge, or for the relief of distress, or for parks, gardens, or other ornamental grounds, or grounds for the purposes of military parades and exercise, or health and recreation, within or near such incorporated city or village, upon such conditions as may be prescribed by the grantor or donor, and agreed to by such corporation : and all real estate so granted or conveyed to such corporation, may be held by the same, subject to such conditions as may be prescribed and agreed to as aforesaid.

§ 3. Real and personal estate may be granted to commissioners of common schools of any town, and to trustees of any school district, in trust for the benefit of the common schools of such town, or for the benefit of the schools of such district.

§ 4. The trusts authorized by this act may continue for such time as may be necessary to accomplish the purposes for which they may be created. *Statutes*, p. 267.

1846. "AN ACT *to amend the act,*" (authorizing certain trusts as aforesaid) provides :

§ 1. The income arising from any real or personal property granted or conveyed, devised or bequeathed in trust to any incorporated college or other incorporated literary institution, for any of the purposes specified in the "Act authorizing certain trusts," passed May 14th, 1840, or for the purpose of providing for the support of any teacher in a grammar school or institute, may be permitted to accumulate till the same shall amount to a sum sufficient, in the opinion of the regents of the university, to carry into effect either of the purposes aforesaid, designated in said trust. *Statutes*, p. 76.

CAMBRIDGE WASHINGTON ACADEMY.

1848. "AN ACT *for the relief and benefit of the Cambridge Washington Academy*" provides that "all the right, title and interest of the people of this state, in and to the personal estate of Margaret McLelland, deceased, late of Washington county, a lunatic, who it is alleged died without heirs at law capable of inheriting, is hereby released to the trustees of the Cambridge Washington Academy, for the use and benefit of said academy, provided always that nothing herein contained shall be construed to impair or affect the claims of any creditor or heir at law of said Margaret McLelland." *Statutes*, p. 341.

ACADEMY OF DUTCHESS COUNTY.

1849. "AN ACT *appropriating the revenues of the Literature and United States deposit fund,*" in addition to appropriations to certain colleges, and to the Delaware and St. Lawrence Academies, appropriates "to the Dutchess County Academy, out of the income of the United States deposit fund, four thousand dollars." *Statutes*, p. 433.

ALFRED ACADEMY.

1850. "AN ACT *authorizing a loan to the town of Alfred, in the county of Allegany, and to authorize the town of Alfred to reloan the same money to the trustees of Alfred Academy,*" provided for advancing the sum of ten thousand dollars from the capital of the common school fund, under certain specified conditions. *Statutes*, p. 496.

1851. The Annual Appropriation Act contains the following :

"From the General Fund:" [for the three next following institutions.]

RENSSELAER INSTITUTE.

"For the Rensselaer Institute [then an academy], three thousand dollars." [Subsequent appropriations have been made to the Rensselaer Polytechnic Institute, which, being now authorized to confer degrees, may be classed with colleges.]

GENESEO ACADEMY.

"For Geneseo academy, three thousand dollars."

GOUVERNEUR WESLEYAN SEMINARY.

"To the Gouverneur Wesleyan seminary, two thousand dollars." *Statutes*, p. 936.

NEW PALTZ ACADEMY.

1856. "AN ACT for the loaning of certain moneys to the New Paltz Academy, at New Paltz, Ulster county," provides:

§ 1. The comptroller is authorized to loan to the trustees of New Paltz Academy, the sum of one thousand dollars from the literature fund for the period of six years, upon said trustees filing satisfactory securities for the payment of the same by mortgage on the real estate belonging to said academy, situate in the village of New Paltz, Ulster county.

§ 2. The sum of money hereby authorized to be loaned shall be applied by such trustees solely for the benefit of such academy.

§ 3. The interest upon the sum hereby authorized to be loaned shall be paid annually. *Statutes*, p. 169.

1863. "AN ACT for the relief of New Paltz Academy," released the aforesaid loan of one thousand dollars with accrued interest, and appropriated from the general fund a sum sufficient to reimburse the literature fund therefor. *Statutes*, p. 826.

LOANS TO ACADEMIES.

1857. During this year, the Legislature authorized the Comptroller to loan money from the common school fund to several of the academies, to wit:

ANTWERP LIBERAL LITERARY INSTITUTE, \$3,000. *Statutes*, vol. ii, p. 473.

FRANKLIN ACADEMY, Malone, \$1,500. Vol. ii, p. 403. (See p. 223, *ante*.)

ONONDAGA ACADEMY, \$4,000. Vol. ii, p. 496. (See p. 210, *ante*.)

OVID ACADEMY, \$5,000. Vol. ii, p. 492.

ROGERSVILLE UNION SEMINARY, \$3,500. Vol. i, p. 845.

SUSQUEHANNA SEMINARY, \$15,000. Vol. ii, p. 495.

OLEAN ACADEMY.

1857. The town of Olean was authorized to raise \$1,500 by tax, on a two-thirds vote by the taxable inhabitants, the said sum to be expended in completing the said academy and buildings thereto belonging. *Statutes*, vol. i, p. 904.

AURORA ACADEMY.

1864. The town of Aurora, Erie county, was authorized to raise six thousand dollars by bond, to be expended in rebuilding the said academy, and the Comptroller was authorized to make a loan from the common school fund on such bond. *Statutes*, p. 1318.

1868. Fifteen hundred dollars, in addition to the above, for completing and furnishing the building and paying off the indebtedness of said institution. *Statutes*, p. 533.

UTICA ACADEMY.

1866. Common Council authorized to raise \$25,000 by bonds, to be applied to the erection of a new building, etc. *Statutes*, p. 26.

1868. Ten thousand dollars, in addition to the above. *Statutes*, p. 41.

LE ROY ACADEMIC INSTITUTE.

1867. Town authorized, on a majority vote at the annual town meeting, to raise \$10,000, upon its bonds, for benefit of institute, the acting supervisor to be, after delivery of bonds, from that time forward, a trustee by virtue of his office. *Statutes*, p. 84.

CANAJOHARIE ACADEMY.

1867. Village trustees authorized to levy tax of \$2,500, to pay indebtedness of said academy and to improve property. *Statutes*, p. 833.

ARCADE ACADEMY.

1867. Town authorized to issue bonds to the amount of \$8,000, for liquidation of debt, erection of boarding-house, and improvement of buildings and grounds. *Statutes*, p. 2381.

ALMOND ACADEMY.

1868. Town authorized, on a majority vote of electors, to raise \$7,000 by bonds, for erecting an Academy and town hall. *Statutes*, p. 199.

WOODHULL ACADEMY.

1869. The Supervisor of Woodhull was authorized, on the consent of a majority of the tax-payers of said town, to issue bonds upon the credit of the town to the amount of \$4,000, for the purpose of erecting additional buildings for the use of said Academy. *Statutes*, p. 424.

FRIENDSHIP ACADEMY.

1871. Supervisor of Friendship authorized, on a majority vote of electors, to issue bonds to the amount of \$3,000, for addition to building, repairs and improvements. *Statutes*, p. 269.

1873. Similar enactment for \$4,000 more. *Statutes*, p. 1181.

CHRISTIAN BROTHERS' ACADEMY, ALBANY.

CARY COLLEGIATE SEMINARY.

1871. "AN ACT making appropriations for certain public and charitable institutions," contains the following grants to academies, subject to the visitation of the Regents of the University:

"For the Christian Brothers' Academy at Albany, three thousand seven hundred and fifty dollars."

"For the Cary Collegiate Seminary, Oakfield, three thousand seven hundred and fifty dollars." *Statutes*, p. 1966.

ROCHESTER FREE ACADEMY.

1872. The city was authorized to issue bonds to the amount of \$75,000, "to be expended in the erection of a free academy upon the site purchased and now owned by said city for such purpose." *Statutes*, p. 471.

Also, for \$15,000, to pay debt incurred in the purchase of a site for said free Academy. *Statutes*, p. 541.

1873. \$75,000 above, increased to \$125,000. *Statutes*, p. 1060.

UNADILLA ACADEMY.

1872. "AN ACT to provide for the endowment of the Unadilla academy" authorizes an appropriation of \$10,000 of the surplus moneys in the hands of the railroad commissioners of said town, for which surplus money said town has incurred no liability, on the consent of a majority of the tax-payers of said town, owning or representing more than one-half of the taxable property, to be set apart as a fund, the income of which shall be applied exclusively toward the

payment of the salaries of teachers employed by the trustees of the said Unadilla Academy. *Statutes*, p. 1149.

CORTLAND ACADEMY.

1867. The town officers of Homer were authorized, on a two-thirds vote of electors, to raise \$20,000 by bond, for erection of new building for Cortland Academy. *Statutes*, p. 224.

1873. AN ACT to provide for the payment of tuition in Cortland Academy of academic scholars residing in the village of Homer."

SECTION 1. Every scholar residing within the corporate limits of the village of Homer, who has received or who may hereafter receive the regents' certificate, entitling such scholar to admission in the academies of this State, shall be entitled to tuition, free of charge, in Cortland Academy, in the village of Homer, for the full academic course of instruction as established by the trustees of said academy.

§ 2. To pay the expenses of tuition of all scholars who receive instruction in Cortland Academy pursuant to section one of this act, the trustees of the village of Homer are hereby authorized and required to levy a tax upon the taxable property of said village, sufficient to pay the tuition of such scholars, at the rate of nine dollars a term of thirteen weeks, for all scholars who are pursuing studies known as higher English, and at the rate of twelve dollars a term of thirteen weeks, for all scholars who are pursuing classical studies in said academy.

§ 3. After the close of each academic term in said academy, it shall be the duty of the principal of said academy to report, to the president of the board of trustees of said village, the name of each academic scholar residing in said village of Homer, who has received instruction in said academy during the previous term, with the number of weeks each has been in attendance, and the studies pursued by each, which report shall be verified by the affidavit of said principal.

§ 4. It shall be the duty of the president of the board of trustees of said village of Homer, within ten days after receiving the report mentioned in the preceding section, to lay the same before the board of trustees of said village, at a regular or special meeting of such board, whose duty it shall be to draw an order on the treasurer of said village, payable to the treasurer of said Cortland academy, for the amount which said academy is entitled to receive, as shown by the report of said principal of Cortland academy, which order shall be delivered to the treasurer of Cortland academy.

§ 5. It shall be the duty of the secretary of the board of trustees of said academy to give notice, in one or more papers published in the village of Homer, at least two weeks before the holding of the regents' examination in each term of said academy; and any scholar residing within the limits of said village shall be allowed all the privileges of an examination granted to scholars attending said academy.

§ 6. Nothing in this act, giving free tuition to scholars in Cortland academy, shall be construed so as to interfere with the discipline of said school; and it shall be lawful for the board of trustees of said academy, on recommendation of the principal of said academy, to expel any scholar for improper conduct.

§ 7. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 8. The said board of trustees of the village of Homer shall take no steps in pursuance of the provisions of this act until the same shall be approved by a majority of voters of said village voting at a special meeting held for that purpose, in the town hall in the said village of Homer on the first Tuesday of May next. A notice of which special meeting shall be published in two papers published in said village for two weeks previous to such election. Said vote shall be taken by ballot, and there shall be written or printed or partly written and partly printed on the ballots of those in favor of the tax, "For the payment of tuition of academic scholars in Cortland academy;" and on the ballots of those opposed, "Against the payment of tuition of academic scholars in Cortland academy." The poll shall be open from one o'clock in the afternoon until seven o'clock in the evening. The trustees of said village shall preside at and certify the result of such meeting; and such certificate shall be recorded by the clerk of said village in the village record.

§ 9. This act shall take effect immediately. *Statutes*, p. 255.

STATE TAX FOR THE BENEFIT OF ACADEMIES AND ACADEMICAL DEPARTMENTS OF UNION SCHOOLS.

1872. The Annual Appropriation Act contains the following paragraph:

"For the benefit of the academies and academical departments of the union schools, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be derived from a tax of one-sixteenth of one mill upon each dollar of the taxable property of the State; the sum thus arising to be divided as the literature fund is now divided, which is hereby ordered to be levied for each and every year." *Statutes*, p. 1250.

1873. The Annual Appropriation Act renews the appropriation of 1872, with this modification of the clause following the word "State," to wit: "this sum to be divided as the literature fund is now divided, and in accordance with the law passed in eighteen hundred and seventy-two; but no part of this fund shall be distributed in aid of any religious or denominational academy of this State." *Statutes*, p. 1007.

The language used in the final clause of this paragraph differs from that which occurs in § 7, of the following statute:

FREE INSTRUCTION, MODE OF DISTRIBUTION, ETC.

1873. "AN ACT in relation to academies and academical departments of union schools, and the distribution of public funds."

SECTION 1. The sum of one hundred and twenty-five thousand dollars, ordered by chapter five hundred and forty-one of the laws of eighteen hundred and seventy-two, to be levied for each and every year, for the benefit of academies and academical departments of union schools, shall be annually distributed by the regents of the university, for the purposes and in the manner following, that is to say :

§ 2. Three thousand dollars or so much thereof as may be required, in addition to the annual appropriation of three thousand dollars for the same purpose from the literature fund, for the purchase of books and apparatus, to be annually apportioned and paid in the manner now provided by law.

§ 3. Twelve thousand dollars, or so much thereof as may be required in addition to the annual appropriation of eighteen thousand dollars from the United States Deposit fund, for the instruction of common school teachers ; the whole sum to be apportioned and paid to the several institutions which may give such instruction as now provided by law, at the rate of fifteen dollars for each scholar instructed in a course prescribed by the said regents, during a term of thirteen weeks, and at the same rate for not less than ten weeks or more than twenty weeks.

§ 4. The said regents shall cause to be admitted to the academic examination, established by them in the academies and academical departments of union schools, any common school, or free school, any scholar from any common school who may apply for such examination bearing the certificate of the principal teacher, or of any trustee of such school, that in his judgment such scholar is qualified to pass the said examination.

§ 5. Free instruction in the classics or the higher branches of English education, or both, shall be given in every academy and academical department of a union school subject to the visitation of the said regents, under such rules and regulations as the said regents may prescribe, to all scholars, in any academy and in any free school, or in any common school, who, on any examination held subsequent to the beginning of the present academic year, shall have received the certificate of academic scholarship issued by the said regents to the extent of twelve dollars, and if the condition of the fund will admit not less than twenty dollars tuition, at such rates of tuition as are usually charged for such scholars in such academies and academical departments respectively, and in case the tuition is free to resident pupils, at the rates charged to non-resident pupils, or at such rates, in all cases, as the said regents may deem reasonable ; but such free instruction must be obtained by such scholars within two years from the date of their examination respectively.

§ 6. The said regents may, in their discretion and under such rules as they may adopt, annually apply a sum not exceeding twenty-five hundred dollars, in book or other premiums, for excellence in scholar

ship and conduct, as shown in the papers and the returns of the academic examination ; but the cost of any one premium shall not exceed ten dollars ; and the said sum of twenty-five hundred dollars, or such part thereof as may be needed, shall be paid to the said regents out of the amount referred to in the first section of this act, by the treasurer on the warrant of the comptroller.

§ 7. The balance of the said one hundred and twenty-five thousand dollars remaining after the apportionments described in the preceding sections of this act shall have been made, shall be distributed as the literature fund is now by law directed to be distributed, but no money shall be paid to any school under the control of any religious or denominational sect or society.

§ 8. The said regents of the university are hereby authorized to make such just and equitable regulations as they may deem necessary for the purposes of this act.

§ 9. The treasurer shall pay, on the warrant of the comptroller, the several sums to which the said regents may certify any institution to be entitled under the provisions of this act.

§ 10. Every academy shall make up its annual report for its academic year, and shall transmit the same to the regents on or before the first day of September in each year.

§ 11. This act shall take effect immediately. *Statutes*, p. 997.

SUMMARY OF INSTITUTIONS AND LEADING SUBJECTS.

The names of academies, etc., and the leading subjects contained in this paper, have been inserted generally in the chronological order of the first statutes relating to them respectively, an alphabetical list of which is now annexed :

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